



BOUNTIFUL CITY ADMINISTRATIVE LAW JUDGE APPEAL
Thursday, September 12, 2024
9:00 AM

NOTICE IS HEREBY GIVEN that the Bountiful City Appeal Authority will hold a meeting in the Planning Conference at Bountiful City Hall located at 795 South Main Street, Bountiful, Utah, 84010, at the time and on the date given above. The public is invited. Persons who are disabled as defined by the American with Disabilities Act may request an accommodation by contacting the Bountiful Planning Office at 298-6190. Notification at least 24 hours prior to the meeting would be appreciated.

1. Welcome and Introductions.
2. Consider an appeal of a decision by the Planning Department denying a Sign Permit at 395 North 200 West for Community Chiropractic.

Appeal Staff Report

Subject: Appeal of a Denied Sign Permit
Address: 395 North 200 West, Community Chiropractic
Author: Francisco Astorga, AICP, Planning Director
Date: September 12, 2024



Summary of City's Request and Recommendations

Staff recommends that the Appeal Authority affirm the decision of the Bountiful City Planning Staff.

Description

Appeal Authority: Administrative Law Judge
Appellant: Blake W. Johnson, Attorney for Community Chiropractic
Property Owner: DGSK PLLC (Dan G George, registered agent)
Location: 395 North 200 West
Zoning: General Commercial (C-G)
Reason for Review: The Appeal Authority for Bountiful City consists of an Administrative Law Judge. The Appeal Authority hears and decides appeals from decisions interpreting and applying land use ordinances/code.

Background

On June 24, 2024, an appeal was filed with the Bountiful City Planning Department by Blake W. Johnson, Attorney for Community Chiropractic (Appellant), regarding the City's action denying a Sign Permit at 395 North 200 West, Community Chiropractic. The property is owned by DGSK PLLC, Dan George registered agent.

On June 10, 2024, the Bountiful City Planning Department denied a Sign Permit application at 395 North 200 West, Community Chiropractic. Sign Permits are issued by the Planning Department after they are reviewed and found in compliance with applicable codes.

On April 09, 2024, the Bountiful Planning Department received a complete Sign Permit from iSignz Company the existing sign at 395 North 200 West, Community Chiropractic. The proposed Sign Permit identified the scope of work to refurbish the existing four- sided pylon sign as follows:

- A. Illumination (4 sides): replace existing T-12 daylight fluorescent internal light fixtures and wiring with the new Principal LED Quik Mod 2 custom replacement fixtures.
- B. Community Chiropractic logo and lettering (4 sides): Using the existing faces, replace the white acrylic letters with new 3/16" (T) acrylic.
- C. Electronic message centers (3 sides): Replace existing electronic displays with news ones

of the same size manufactured by Cirrus Blade M 6mm Modules V2 AV MN15051 H750.

- D. Paint Display: Apply PPG DTM medium satin bronze to all four sides, top, and bottom of the display.

As requested by the Appellants' attorney, Blake Johnson, the City accepted to schedule the appeal hearing outside of the required 45-day timeframe as outlined in the Bountiful City Land Use Code.

Analysis

As indicated on the denial letter, the existing pole sign with three (3) electronic message centers (EMCs) referenced as "the Sign", does not comply with existing Sign Regulation (Ordinance) regarding:

- A. maximum sign height;
- B. maximum (total) sign area;
- C. maximum electronic message center (EMC) area; and
- D. regulation regarding EMCs within multiple faces.

The adopted policy of the Bountiful City Sign Regulations found in Chapter 19 of the Bountiful City Land Use Code, indicates the following:

14-19-107 NONCOMPLYING SIGNS

- A. Regulation, containment, and elimination. *In order to minimize confusion and unfair competitive disadvantage to those businesses which are required to satisfy the current Sign Code standards, the City intends to apply firm regulation of existing nonconforming signs with a goal of their eventual elimination. This goal shall be achieved by strictly construing limits on change, expansion, alteration, abandonment, and restoration. Excluding normal maintenance and repair, **a noncomplying sign shall not be moved, altered, or enlarged unless it is brought into compliance with this Chapter.** The following exceptions shall be permitted:*

1. *A face change in a noncomplying sign that does not encroach onto a public right of-way or easement, and that is not deemed a public safety hazard by the Planning Director or City Engineer.*
2. *A copy change in a noncomplying permanent sign which was originally approved by the City with a changeable copy feature.*

[...]

Bold added.

Furthermore, Bountiful City Land Use Code § 14-3-102 (11) includes the following definition of ALTERATION (Sign):

Changing or rearranging any structural part or design of a sign, whether by

extending on a side, by increasing in area or height, or in moving from one location or position to another, including sign face, enclosure, lighting, coloring, copy (except on reader board or changeable copy signs), or graphics.

The denial included the following regarding each specific aspect of the submitted Sign Permit:

- A. Illumination (4 sides): replace existing T-12 daylight fluorescent internal light fixtures and wiring with new Principal LED Quik Mod 2 custom replacement fixtures.*

The definition of ALTERATION (Sign) includes changing or rearranging any design of a sign, including lighting. Replacing the lighting from the existing T-12 daylight internal fluorescent light fixtures to the LEDs is an alteration/change.

- B. Community Chiropractic Logo and Lettering (4 sides): Using the existing faces, replace the white acrylic letters with new 3/16" (T) white acrylic.*

The definition of ALTERATION (Sign) includes changing or rearranging any design of a sign, including sign face or graphics. Replacing the white acrylic letters with t new 3/16" (T) acrylic is an alteration and change.

- C. Electronic message centers (3 sides): Replace existing electronic displays with new ones of the same size manufactured by Cirrus Blade M 6mm Modules V2 AV MB 15051 H750.*

The definition of ALTERATION (sign) includes changing or rearranging any design of a sign, including sign face, enclosure, lighting, coloring, copy, or graphics. Replacing the three (3) existing displays with three (3) new displays is an alteration/change.

- D. Paint Display: Apply PPG DTM medium satin bronze paint to all four sides, top, and bottom of the display.*

Painting the existing sign is normal maintenance and repair.

As indicated in the Sign Regulations, Land Use Code Chapter 19, a noncomplying sign shall not be moved, altered, or enlarged unless it is brought into compliance with the Sign Regulations. The Land Use Code clearly states that the City must apply firm regulation of existing nonconforming signs with a goal of their eventual elimination. Staff was not able to approve the submitted Sign Permit regarding the illumination (item A), the logo and lettering (item B), and replacing the three (3) EMCs (item C) because these requested alterations/changes do not bring the Sign into compliance with the current Code.

Staff found that painting the display (item D) was not a sign alteration/change as defined in the Code, as long as the paint is used to maintain the Sign and not to change or rearrange the design of the sign, including sign face, coloring, or graphics, they applicant may proceed without the need of a sign permit.

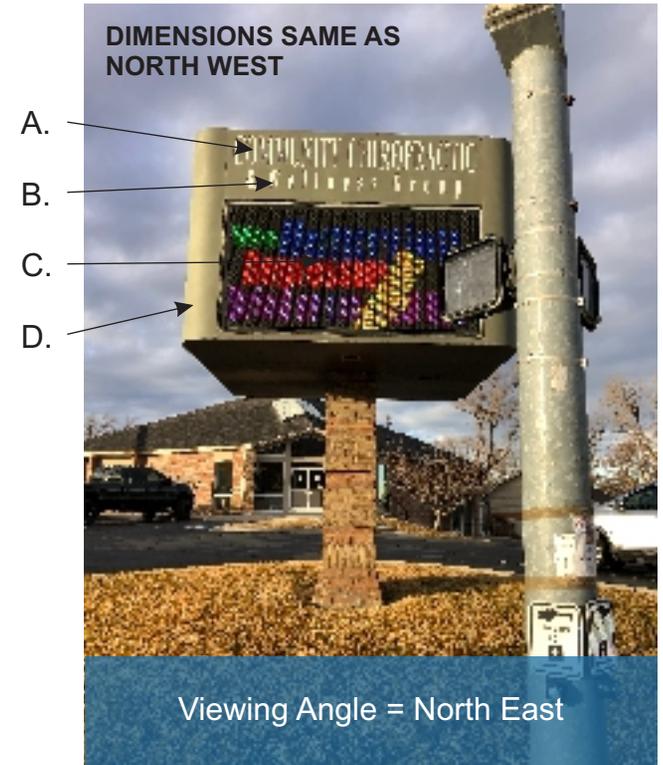
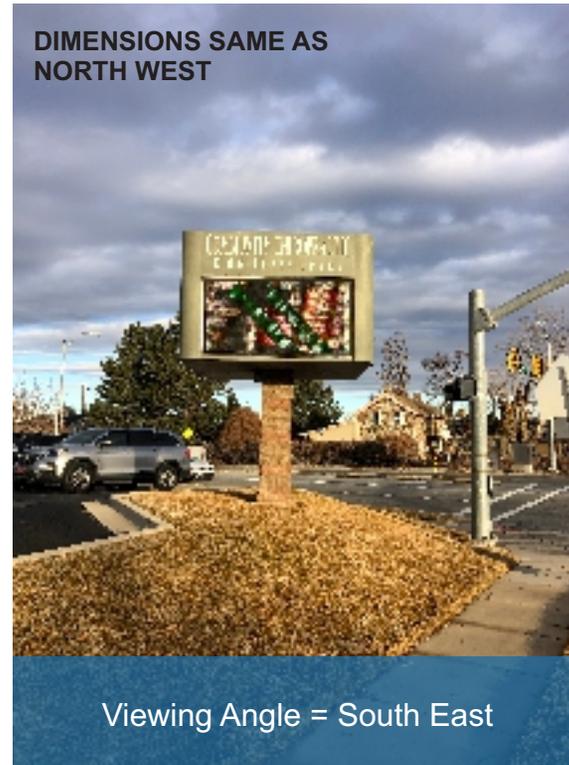
Based upon the identified items A, B, and C, consisting of alterations and changes to the existing Sign, the Sign Permit was denied.

Recommendation and Order

The City recommends that the Administrative Law Judge affirm the decision of the Bountiful City Planning Department and deny the appeal.

Attachments

- A. Complete Sign Permit
- B. Denial Letter
- C. Submitted Appeal
- D. Bountiful City Land Use Code Chapter 19 – Sign Regulations (Ordinance)



SCOPE OF WORK: PROVIDE STANDARD MAINTENANCE TO EXISTING FOUR SIDED PYLON SIGN AND RETROFIT WITH NEW ELECTRONIC DISPLAYS AS FOLLOWS:

A.) ILLUMINATION (4 sides): replace existing T-12 daylight fluorescent internal light fixtures and wiring with new Principal LED Quik Mod 2 custom replacement fixtures.

B.) COMMUNITY CHIROPRACTIC LOGO AND LETTERING (4 sides): Using the existing faces, replace the white acrylic letters with new 3/16" (T) white acrylic.

C.) ELECTRONIC MESSAGE CENTERS (3 sides): Replace existing electronic displays with new ones of the same size manufactured by Cirrus Blade M 6mm Modules V2 AV MB15051 H750.

D.) PAINT DISPLAY: Apply PPG DTM medium satin bronze paint to all four sides, top, and bottom of the display.

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Customer Approval:

Bountiful City - Administrative Law Judge Packet
September 12, 2024

Signature / Date

Proud member of:



3651 South 700 West
Salt Lake City, UT 84119
(801) 833-1474



EXISTING SIGN DIMENSIONS



Viewing Angle = North West

DIMENSIONS SAME AS NORTH WEST



Viewing Angle = South West

NOTE: THERE WILL BE NO STRUCTURAL CHANGES OR CHANGES TO THE OVERALL DIMENSIONS

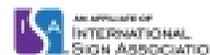
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September 12, 2024

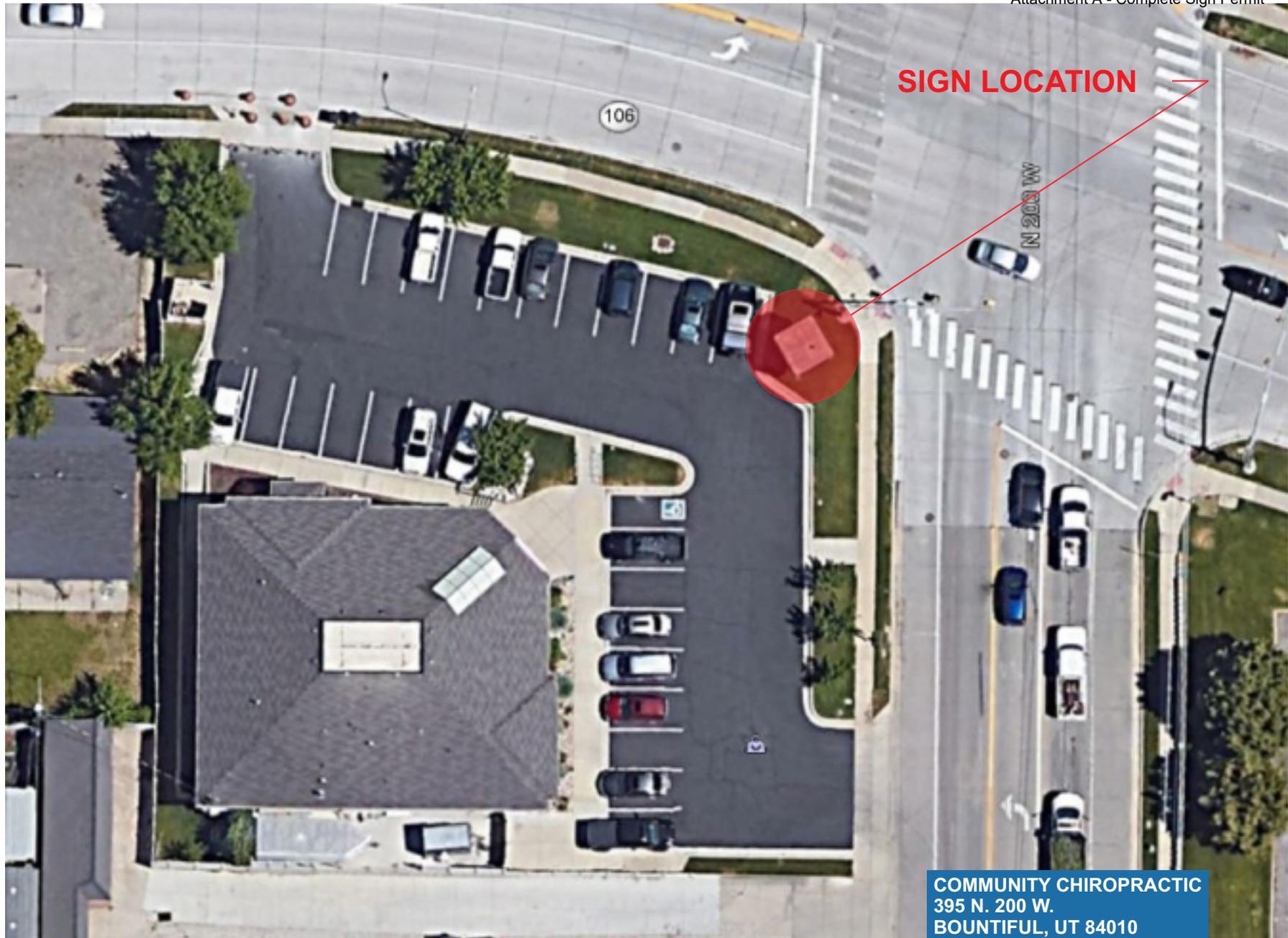
Signature / Date

Proud member of:



3651 South 700 West
Salt Lake City, UT 84119
(801) 833-1474





SIGN LOCATION

**COMMUNITY CHIROPRACTIC
395 N. 200 W.
BOUNTIFUL, UT 84010**

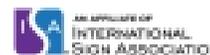
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Proud member of:

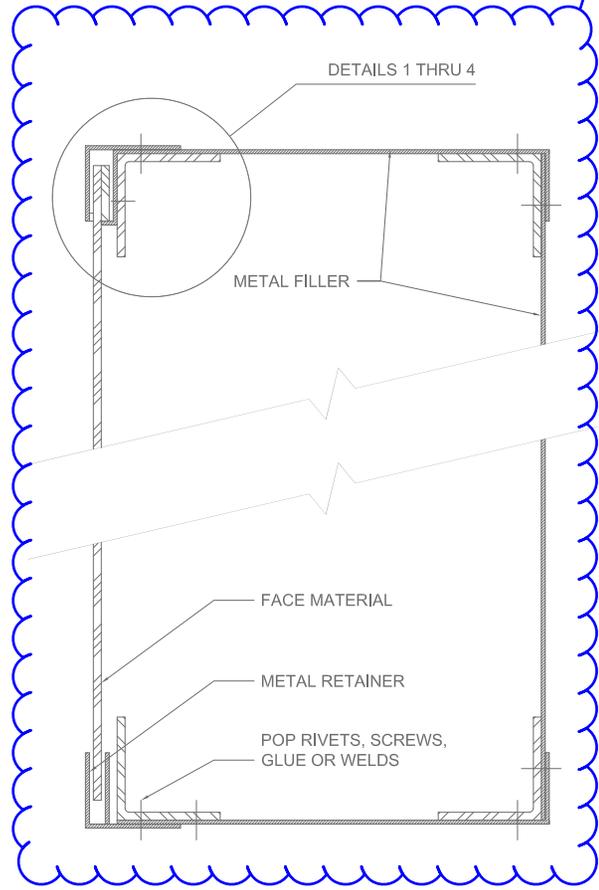


3651 South 700 West
Salt Lake City, UT 84119
(801) 833-1474

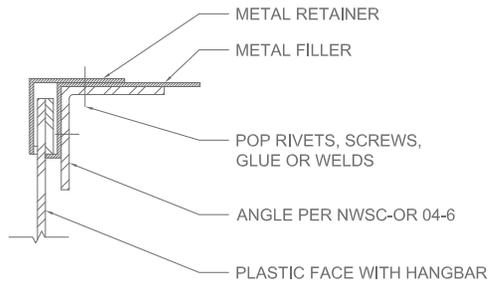


CALL OUT WHAT IS EXISTING AND WHAT WILL BE NEWLY ADDED

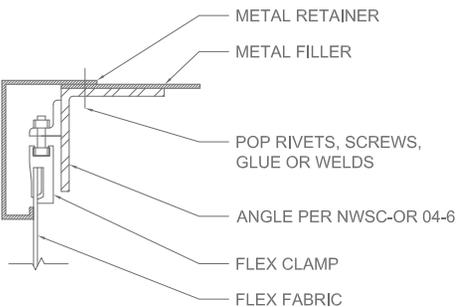
FASTENER	MATERIAL	SPACING (MAX.)
1/8" DIA. POP RIVETS	ALUMINUM	8" O.C.
1/8" DIA. POP RIVETS	STEEL	8" O.C.
1/4" DIA. PLUG WELD	ALUMINUM	6" O.C.
1/4" DIA. PLUG WELD	STEEL	8" O.C.
#7 SHEET METAL SCREWS	STEEL	10" O.C.



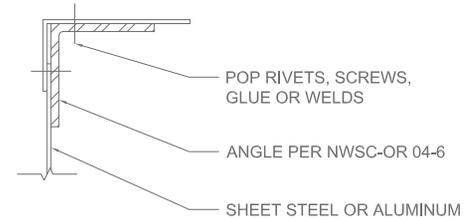
SECTION: SINGLE FACED CABINET, TYP.



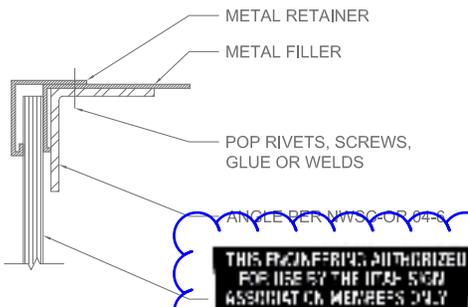
1 DETAIL



3 DETAIL



2 DETAIL



4 DETAIL

MAKE THIS CLEAR

COMMUNITY CHIROPRACTIC
 395 N. 200 W.
 BOUNTIFUL, UT 84010

V = 105 MPH

SHEET TITLE:
 CABINET DETAILS

SHEET:
 S20



10815 RANCHO BERNARDO RD., SUITE 260
 SAN DIEGO, CA 92188
 PROJECTMANAGER@SULLAWAYENG.COM
 (858)-312-5150
 www.sullawayeng.com

SIGN DESIGN ENGINEERING STANDARDS; FOR THE STATE OF UTAH

PROJECT NUMBER:
 19359

DATE: 11-6-2018
 SCALE: NO SCALE
 DRAWN BY: MFS
 DESIGNED BY: MFS

REVISIONS:
 NO. DATE

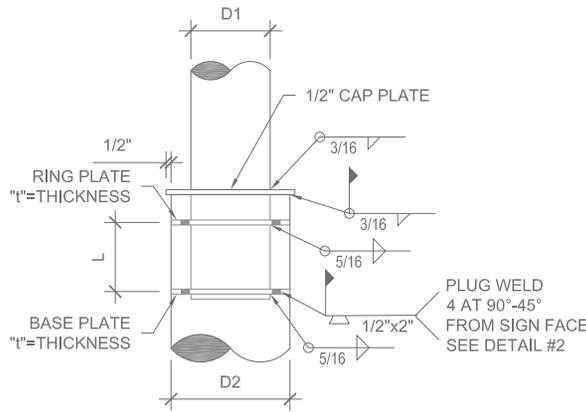
- 1
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THIS ELECTRONIC SIGNATURE HAS BEEN AUTHORIZED BY ME



NOTES:

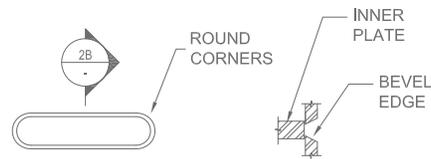
- CABINET DESIGN IS FOR SINGLE AND DOUBLE FACE SIGNS.
- THE SIGN FABRICATOR ACCEPTS THE RESPONSIBILITY THAT ALL SIGN FACE MATERIAL AND THEIR ASSEMBLIES SHALL BE ADEQUATE TO WITHSTAND THE DESIGN LOADS ESTABLISHED FOR OTHER ELEMENTS OF THE SIGN. METHODS OF ATTACHING SIGN FACES TO CABINETS SHALL BE IN ACCORDANCE WITH MATERIAL MANUFACTURER RECOMMENDATIONS AND SPECIFICATIONS, OR AT THE FABRICATOR'S OPTION, IN ACCORDANCE WITH THE APPROPRIATE ATTACHMENT METHODS SHOWN ON THESE STANDARDS.
- MINIMUM THICKNESS OF CABINET SKIN MATERIAL SHALL BE 0.0239" SHEET METAL (24 GAUGE) OR 0.063" ALUMINUM.
- SIGN FACE AND TIE-BACKS SHALL PROVIDE ADEQUATE RESISTANCE TO WIND LOADS AND SHALL DISTRIBUTE LOADS TO SIGN STRUCTURE. NUMBER AND SPACING OF TIE-BACKS SHALL BE DETERMINED BY SIGN MANUFACTURER.
- TYPE OF SUPPORTS FOR FORMED AND CORRUGATED FACES SHALL BE AT THE DISCRETION OF THE MANUFACTURER DUE TO THE ADDITIONAL STRENGTHS OF THESE FACES.
- ALL FLAT PLASTIC SIGN FACES OVER 6'-0" HIGH SHALL USE A HANGING BAR (DETAIL 1 ON SHEET S16)
- TO COMPENSATE FOR THERMAL REACTION OF FACE PANELS, ALLOW 1/16" CLEARANCE PER LINEAR FOOT IN BOTH HEIGHT AND WIDTH, FOR ENGAGEMENT LENGTH IN RETAINERS. ALLOW 1/16" PER LINEAR FOOT FOR BOTH HEIGHT AND WIDTH. THE EXPANSION AND ENGAGEMENT MAY BE SPLIT BETWEEN SIDES OF THE SIGN. USE 3/4" AS A MINIMUM ENGAGEMENT LENGTH PER SIDE.
- VANDALISM, LACK OF OR INADEQUATE MAINTENANCE, NEGLIGENCE OR SERVICING BY SOMEONE OTHER THAN THE MANUFACTURER SHALL VOID WARRANTY OF SIGN FACES



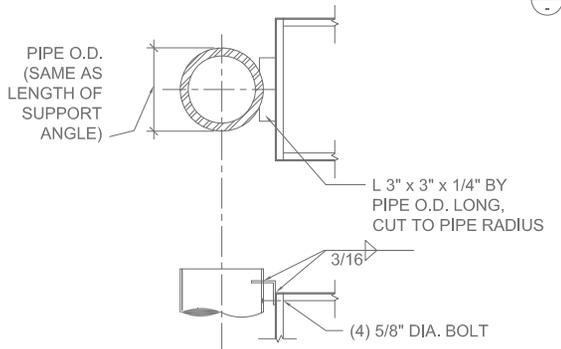
1 SPLICE DETAIL

- NOTES:
- THIS DETAIL MAY BE USED FOR PIPE AND SQUARE TUBE SECTIONS.
 - $L = 1.5 \times D1$ OR 12", WHICHEVER IS LARGEST

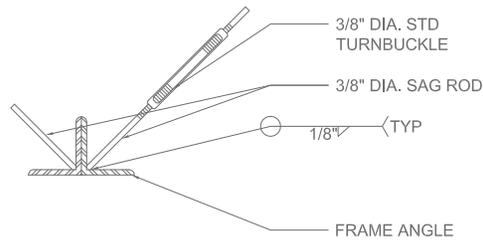
THICKNESS (t)
 FOR D1 THRU 16" DIA., USE $t = 1/2"$ PL.
 FOR 16" DIA. < D1 < 30" DIA., USE $t = 3/4"$ PL.
 FOR D1 > 30" DIA., USE $t = 1"$ PL.



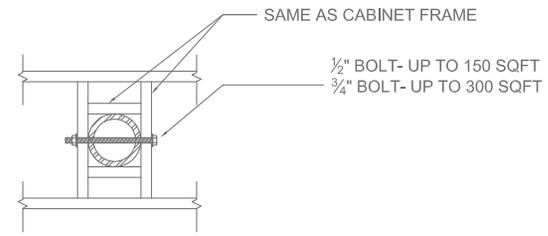
2A PLUG WELD DETAIL 2B SECTION



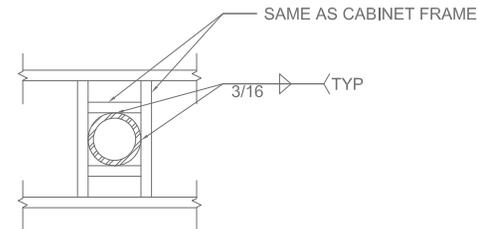
3 DETAIL- TWO POLE ATTACHMENT



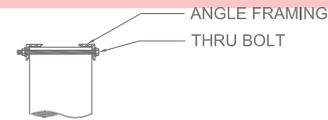
2 DETAIL



4 SADDLE DETAIL- BOLT



5 SADDLE DETAIL- WELD



6 SADDLE DETAIL- OPTION FOR POLE TOP

THIS FACILITY IS AUTHORIZED FOR USE BY THE IFA SIGN ASSOCIATION MEMBERS ONLY
8078586-5501

COMMUNITY CHIROPRACTIC
 395 N. 200 W.
 BOUNTIFUL, UT 84010

V = 105 MPH

SHEET TITLE:
 STEEL DETAILS

SHEET:
 S21



10815 RANCHO BERNARDO RD., SUITE 260
 SAN DIEGO, CA 92188
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 (858)-312-5150
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SIGN DESIGN
 ENGINEERING
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 19359

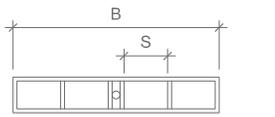
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 SCALE: NO SCALE
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REVISIONS:
 NO. DATE

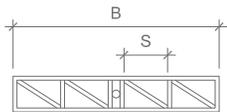
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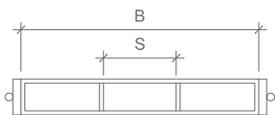




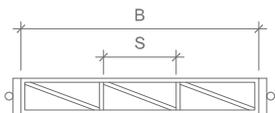
TYPE I-U (UNBRACED)



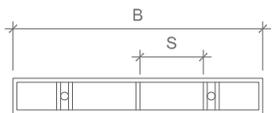
TYPE I-B (BRACED)



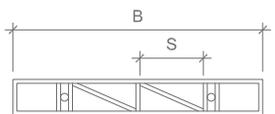
TYPE II-U (UNBRACED)



TYPE II-B (BRACED)



TYPE III-U (UNBRACED)

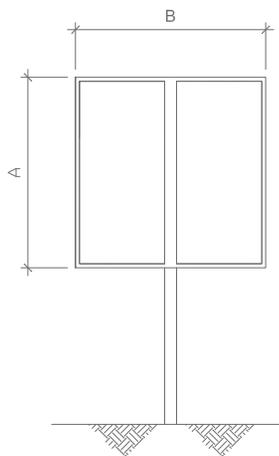


TYPE III-B (BRACED)

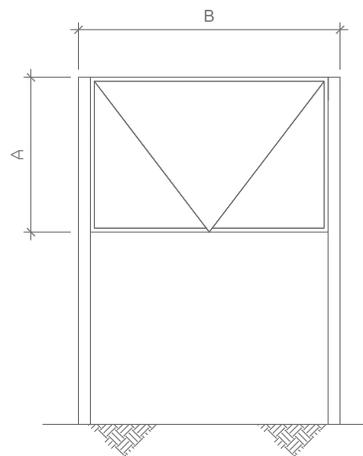
SECTIONS OF TOP AND BOTTOM OF CABINET FRAME

NOTE:
THE ANGLES LISTED MAY BE EITHER STEEL OR ALUMINUM

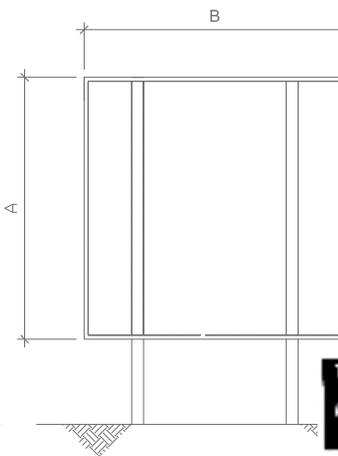
ANGLE SIZES FOR VARIOUS TYPES OF SIGN CABINETS						
SIZE (A x B)	TYPE I-U	TYPE I-B	TYPE II-U	TYPE II-B	TYPE III-U	TYPE III-B
4' x 10'	L 1-1/2" x 1-1/2" x 1/4"	L 1-1/2" x 1-1/2" x 3/16"				
6' x 8'	L 1-1/2" x 1-1/2" x 1/4"	L 1-1/2" x 1-1/2" x 3/16"				
5' x 10'	L 2" x 2" x 3/16"	L 1-1/2" x 1-1/2" x 3/16"	L 1-1/2" x 1-1/2" x 1/4"	L 1-1/2" x 1-1/2" x 3/16"	L 1-1/2" x 1-1/2" x 1/4"	L 1-1/2" x 1-1/2" x 3/16"
4' x 12'	L 2" x 2" x 3/16"	L 1-1/2" x 1-1/2" x 3/16"	L 2" x 2" x 3/16"	L 1-1/2" x 1-1/2" x 3/16"	L 2" x 2" x 3/16"	L 1-1/2" x 1-1/2" x 3/16"
8' x 8'	L 2" x 2" x 3/16"	L 1-1/2" x 1-1/2" x 3/16"	L 2" x 2" x 3/16"	L 1-1/2" x 1-1/2" x 3/16"	L 2" x 2" x 3/16"	L 1-1/2" x 1-1/2" x 3/16"
6' x 10'	L 2" x 2" x 3/16"	L 1-1/2" x 1-1/2" x 3/16"	L 2" x 2" x 3/16"	L 1-1/2" x 1-1/2" x 3/16"	L 2" x 2" x 3/16"	L 1-1/2" x 1-1/2" x 3/16"
10' x 10'	L 2-1/2" x 2-1/2" x 1/4"	L 2" x 2" x 3/16"	L 2" x 2" x 1/4"	L 1-1/2" x 1-1/2" x 3/16"	L 2" x 2" x 3/16"	L 1-1/2" x 1-1/2" x 3/16"
10' x 12'	L 3" x 3" x 1/4"	L 2" x 2" x 3/16"	L 2-1/4" x 2-1/4" x 1/4"	L 2" x 2" x 3/16"	L 2-1/2" x 2-1/2" x 1/4"	L 2" x 2" x 3/16"
10' x 15'	NONE	L 2" x 2" x 3/16"	L 3" x 3" x 1/4"	L 2" x 2" x 3/16"	L 3" x 3" x 1/4"	L 2" x 2" x 3/16"
6' x 20'	NONE	L 2" x 2" x 1/4"	L 3" x 3" x 1/4"	L 2" x 2" x 1/4"	L 3" x 3" x 1/4"	L 2" x 2" x 1/4"
10' x 20'	NONE	L 2" x 2" x 1/4"	NONE	L 2" x 2" x 1/4"	NONE	NONE
6' x 25'	NONE	L 2-1/2" x 2-1/2" x 1/4"	NONE	L 2-1/4" x 2-1/4" x 1/4"	NONE	NONE
8' x 25'	NONE	L 2" x 2" x 1/4"	NONE	L 2-1/4" x 2-1/4" x 1/4"	NONE	NONE
10' x 25'	NONE	L 2" x 2" x 1/4"	NONE	L 2-1/4" x 2-1/4" x 1/4"	NONE	NONE
8' x 30'	NONE	L 2" x 2" x 1/4"	NONE	L 2-1/4" x 2-1/4" x 1/4"	NONE	NONE
6' x 32'	NONE	L 2" x 2" x 1/4"	NONE	L 2-1/4" x 2-1/4" x 1/4"	NONE	NONE



ELEVATION SIGN TYPE I



ELEVATION SIGN TYPE II



ELEVATION SIGN TYPE III

THIS FACILITATING AUTHORIZED FOR USE BY THE UTAH SIGN ASSOCIATION MEMBERS ONLY 8078586-5501

COMMUNITY CHIROPRACTIC
395 N. 200 W.
BOUNTIFUL, UT 84010

V = 105 MPH

SHEET TITLE:
CABINET ANGLE FRAMING

SHEET:
S13



10815 RANCHO BERNARDO RD., SUITE 260
SAN DIEGO, CA 92188
PROJECTMANAGER@SULLAWAYENG.COM
(858)-312-5150
www.sullawayeng.com

SIGN DESIGN
ENGINEERING
STANDARDS;
FOR THE STATE
OF UTAH

PROJECT NUMBER:
19359

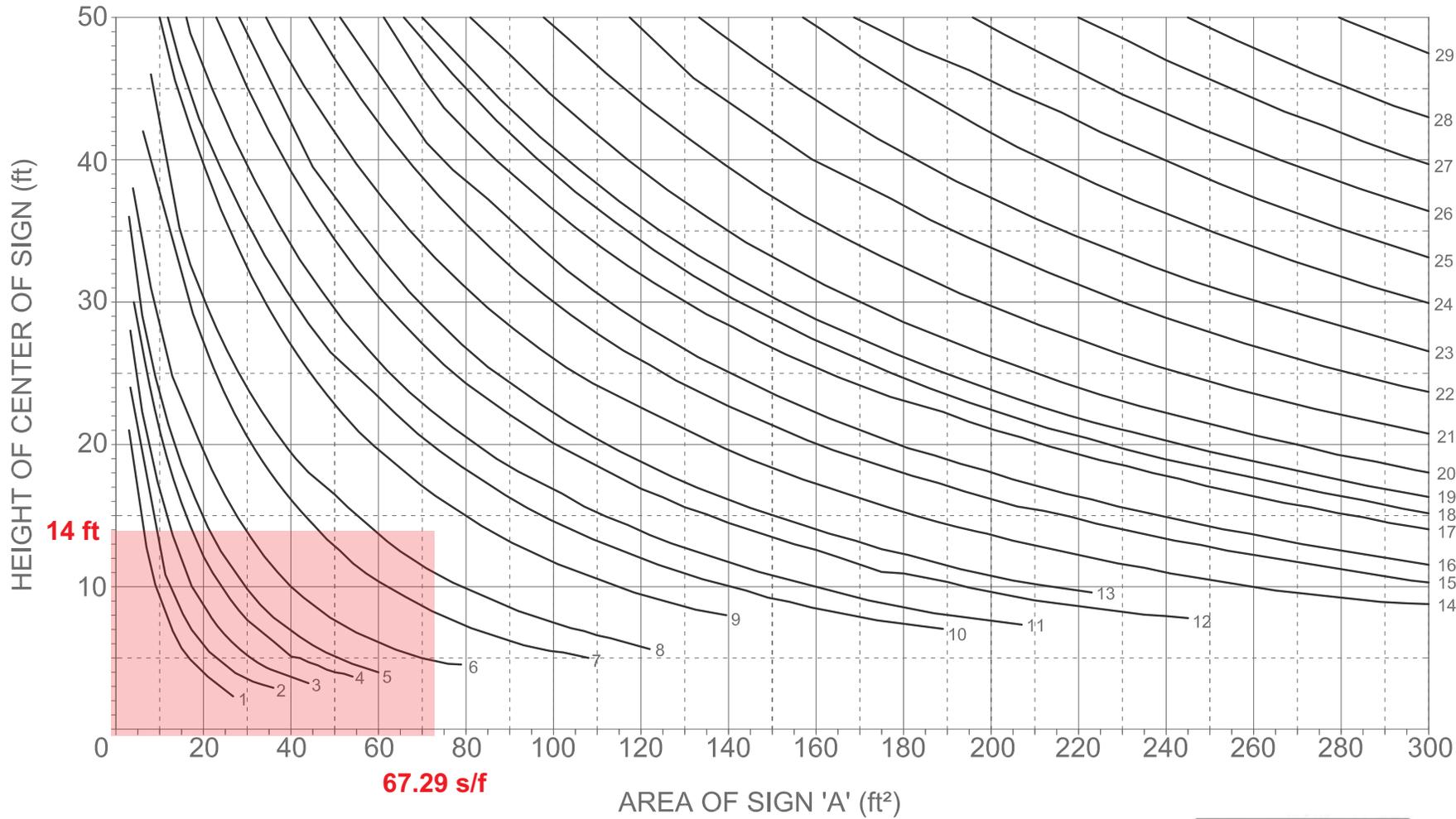
DATE: 11-6-2018
SCALE: NO SCALE
DRAWN BY: MFS
DESIGNED BY: MFS

REVISIONS:
NO. DATE

- 1
- 2
- 3
- 4
- 5

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SIGNATURE HAS BEEN
AUTHORIZED BY ME





PILE SIZE (DIAMETER AND DEPTH IN FT)								
#	DIA.	DEPTH	#	DIA.	DEPTH	#	DIA.	DEPTH
1	1.50	4.0	11	2.50	9	21	4.00	12.0
2	2.00	4.0	12	3.00	9.0	22	4.00	13.0
3	1.50	5.0	13	2.50	10.0	23	4.50	13.0
4	2.00	5.0	14	3.00	10.0	24	4.50	14.0
5	1.50	6.0	15	3.50	10.0	25	5.00	14.0
6	2.00	6.0	16	3.00	11.0	26	5.00	15.0
7	2.00	7.0	17	3.50	11.0	27	5.50	15.0
8	2.50	7.0	18	4.00	11.0	28	6.00	15.0
9	2.50	8.0	19	3.00	12.0	29	6.00	16.0
10	3.00	8.0	20	3.50	12.0			

AREA OF SIGN 'A' (ft²)

67.29 s/f



10815 RANCHO BERNARDO RD., SUITE 260
SAN DIEGO, CA 92188
PROJECTMANAGER@SULLAWAYENG.COM
(858)-312-5150
www.sullawayeng.com

SIGN DESIGN
ENGINEERING
STANDARDS;
FOR THE STATE
OF UTAH

PROJECT NUMBER:
19359

DATE: 11-6-2018
SCALE: NO SCALE
DRAWN BY: MFS
DESIGNED BY: MFS

REVISIONS:
NO. DATE

- △
- △
- △
- △
- △

THIS ELECTRONIC
SIGNATURE HAS BEEN
AUTHORIZED BY ME



THIS ENGINEERING AUTHORIZED
FOR USE BY THE UTAH SIGN
ASSOCIATION MEMBERS ONLY
8078586-5501

COMMUNITY CHIROPRACTIC
395 N. 200 W.
BOUNTIFUL, UT 84010

NOTES

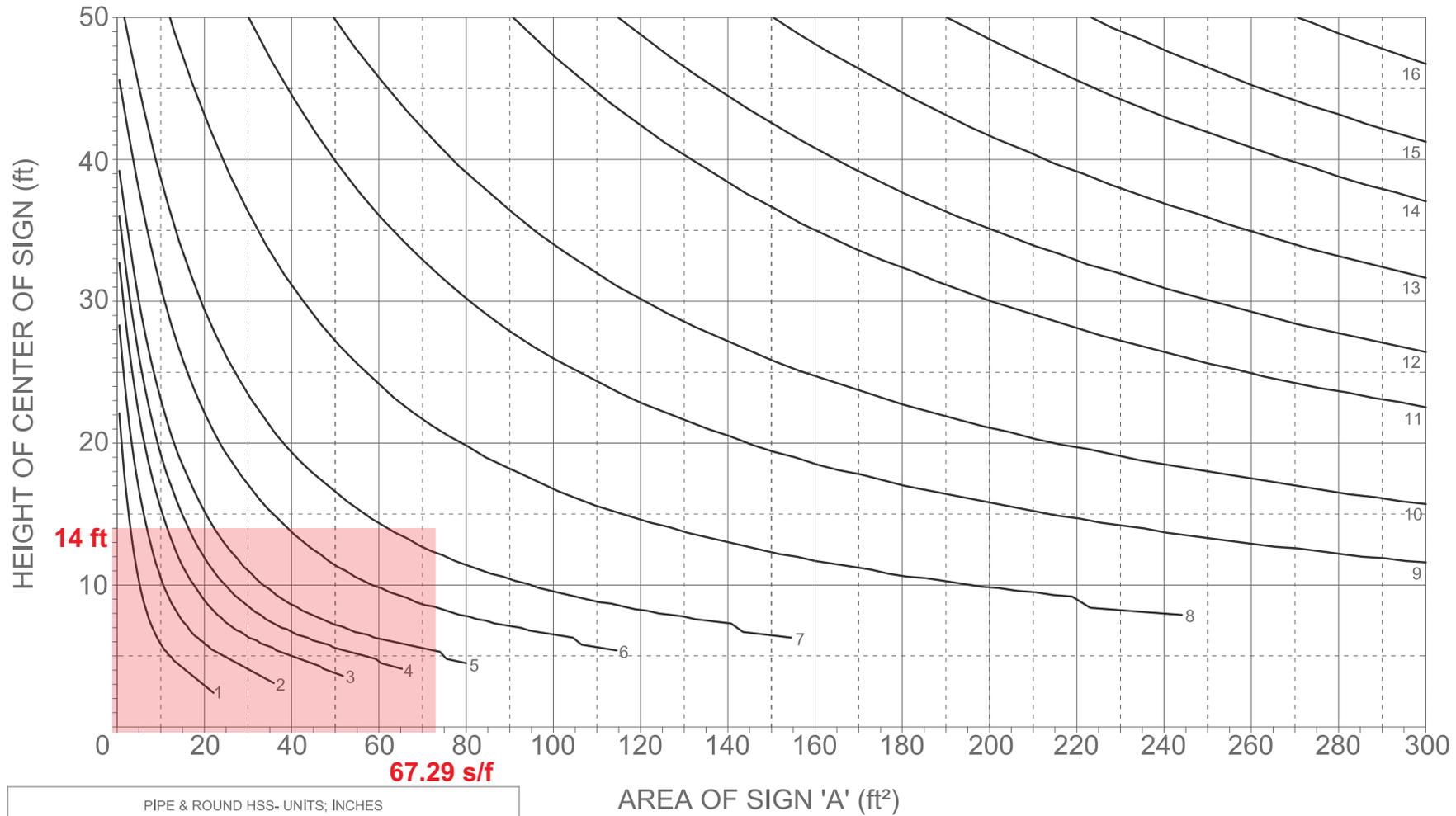
1. PLOT POINT AND CHOOSE THE CURVE ABOVE THE POINT

V = 105 MPH

SHEET TITLE:
SINGLE POLE - FOUNDATION

SHEET:

S2



PIPE & ROUND HSS- UNITS: INCHES					
#	DIA	t	#	DIA	t
1	2	0.154	9	10.0	0.365
2	2.5	0.203	10	12.0	0.375
3	3.0	0.216	11	14.0	0.375
4	3.5	0.226	12	16.0	0.375
5	4.0	0.237	13	18.0	0.375
6	5.0	0.258	14	20.0	0.375
7	6.0	0.280	15	22.0	0.375
8	8.0	0.322	16	24.0	0.375

NOTES

1. PLOT POINT AND CHOOSE THE CURVE ABOVE THE POINT
2. $F_y = 35$ KSI FOR DIAMETERS < 12", $F_y = 42$ KSI FOR DIAMETERS ≥ 12 "

THIS ENGINEERING AUTHORIZED FOR USE BY THE UTAH SIGN ASSOCIATION OR MEMBERS ONLY
8078586-5501

COMMUNITY CHIROPRACTIC
395 N. 200 W.
BOUNTIFUL, UT 84010

V = 105 MPH **SHEET TITLE: SINGLE POLE- PIPE & ROUND HSS**

SHEET: S4



10815 RANCHO BERNARDO RD., SUITE 260
 SAN DIEGO, CA 92188
 PROJECTMANAGER@SULLAWAYENG.COM
 (858)-312-5150
 www.sullawayeng.com

SIGN DESIGN ENGINEERING STANDARDS FOR THE STATE OF UTAH

PROJECT NUMBER: 19359

DATE: 11-6-2018
 SCALE: NO SCALE
 DRAWN BY: MFS
 DESIGNED BY: MFS

REVISIONS: NO. DATE

- ①
- ②
- ③
- ④
- ⑤

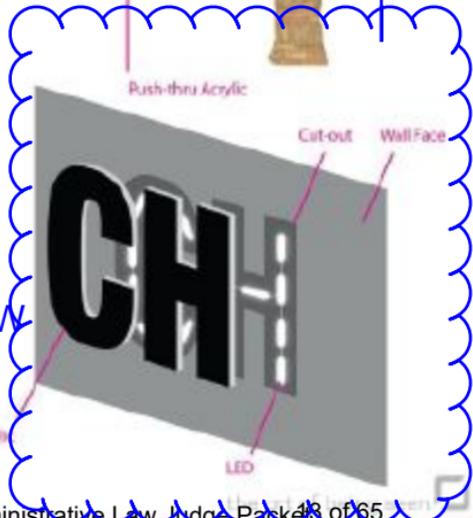
THIS ELECTRONIC SIGNATURE HAS BEEN AUTHORIZED BY ME





SUBMIT DETAILS FOR SIGN LETTERING AND CONSTRUCTION INCLUDING DIMENSIONS

THESE APPEAR AS NEW SCREENS. SUBMIT SPECS FOR NEW SCREENS





MAYOR
Kendalyn Harris

CITY COUNCIL
Jesse Bell
Kate Bradshaw
Richard Higginson
Matt Murri
Cecilee Price-Huish

CITY MANAGER
Gary R. Hill

June 6, 2024

Blake Johnson
blake@johnsonlivingston.com

Jacque Findlay
jacque@johnsonlivingston.com

Re: Community Chiropractic Sign | 395 North 200 West | PLAN22-0442

Blake Johnson and Jacque Findlay,

This letter is regarding the existing pole sign with three (3) electronic message centers (EMC) hereby referenced as “the Sign”, located at 395 North 200 West, parcel no. 03-024-01570. The current Bountiful City Land Use Code contain the following definitions:

ELECTRONIC MESSAGE CENTER (see also “ELECTRONIC READER BOARD” or ELECTRIC PANEL”): *A sign, or portion of a sign, containing graphics, text, or any other form of visual communication which can be changed or rearranged by electronic means, but does not include a digital electronic gasoline price sign that shows numbers only, and does not flash, change colors, show pictures, video or words, or exceed the brightness allowed for electronic message centers.*

FREESTANDING SIGN (see also “POLE SIGN”): *Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.*

After careful examination and consideration, it has been determined that the existing Sign does not comply with the following standards of the current Bountiful City Land Use Code (BCLUC) Chapter 19 – Sign Regulations:

A. Maximum Sign Height

Current Sign Regulations:

- § 14-19-112(A)(3)(b): *Maximum height of fifteen (15) feet.*
- § 14-19-120(D)(1): *The height of a freestanding sign shall be the vertical distance measured from the highest point of the sign to the grade of the adjacent street, curb, or sidewalk, or the crown of the street when there is no curb or sidewalk.*

Findings:

1. The highest point of the existing Sign to the adjacent sidewalk is approximately 16'-4".
2. The Sign is approximately 1'- 4" above the maximum height allowed in the Code.
3. The Sign does not comply with the Sign Regulation regarding maximum height.

B. Maximum (Total) Sign Area

Current Sign Regulations:

- § 14-19-112(A)(3)(h): *Sign structure, excluding pole and base, shall not exceed sixty four (64) sq. ft. for each side of a double faced sign, or sixty four (64) sq ft total sign area on multi-faced signs.*
- § 14-19-120(D): *The regulated area of freestanding signs shall include all parts of the sign or structure that contains identification (words or symbols) and information.*
- § 14-3-102(193): *Multiple-faced sign: A sign containing two (2) or more faces, not necessarily in back-to-back configuration.*

Findings:

1. The Sign has four (4) sides; therefore, is a multi-faced sign.
2. Each side of the sign, excluding the pole and base, is approximately 67.5 square feet.
3. The four (4) combined sides of the Sign are approximately 270 square feet.
4. The total sign area of the multi-faced Sign exceeds what is allowed in the Sign Regulation by approximately 206 square feet.
5. The Sign does not comply with the Sign Regulation regarding total sign area.

C. Maximum Electronic Message Center Area

Current Sign Regulation:

- § 14-19-121(B)(1): *An electronic message center shall not exceed thirty-two (32) square feet.*

Findings:

1. The existing Sign has three (3) EMCs that are approximately 34 square feet each.
2. Each of the three (3) EMC exceeds the maximum EMC area by 2 square feet.
3. The Sign does not comply with the Sign Regulation regarding maximum EMC area.

D. EMCs within Multiple Faces

Current Sign Regulations:

- § 14-19-121(B)(4): *An electronic message center shall be located only on a single or double-sided planar sign, and not on a multiple face or other non-planar sign.*
- § 14-19-103(203): *NON-PLANAR: Any object that has more than two substantial surfaces; including a sphere, cube, pyramid, freeform, sculpture, or similar shape.*

Findings:

1. The sign has four (4) sides.
2. The sign has three (3) EMCs.
3. The sign is not a single or double-sided planar sign.
4. The sign does not comply with Sign Regulations regarding the prohibition of EMCs on a multiple face sign as EMCs are only allowed on single or double-sided planar signs.

The existing Sign does not comply with several current regulations which are listed above that govern the use of the sign. The adopted policy of the Bountiful City Sign Regulations, Chapter 19 of the Bountiful City Land Use Code, indicates the following regarding noncomplying (nonconforming) signs:

14-19-107 NONCOMPLYING SIGNS

A. Regulation, containment, and elimination. *In order to minimize confusion and unfair competitive disadvantage to those businesses which are required to satisfy the current Sign Code standards, the City intends to apply firm regulation of existing nonconforming signs with a goal of their eventual elimination. This goal shall be achieved by strictly construing limits on change, expansion, alteration, abandonment, and restoration. Excluding normal maintenance and repair, a noncomplying sign shall not be moved, altered, or enlarged unless it is brought into compliance with this Chapter. The following exceptions shall be permitted:*

1. *A face change in a noncomplying sign that does not encroach onto a public right-of-way or easement, and that is not deemed a public safety hazard by the Planning Director or City Engineer.*
2. *A copy change in a noncomplying permanent sign which was originally approved by the City with a changeable copy feature.*

[...]

Furthermore, the Bountiful City Land Use Code § 14-3-102 (11) provides the following definition:

ALTERATION (Sign): Changing or rearranging any structural part or design of a sign, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another, including sign face, enclosure, lighting, coloring, copy (except on reader board or changeable copy signs), or graphics.

Regarding the submitted Sign Permit with the identified scope of work listed below:

Refurbish existing four-sided pylon sign as follows:

- A. Illumination (4 sides): replace existing T-12 daylight fluorescent internal light fixtures and wiring with new Principal LED Quik Mod 2 custom replacement fixtures.*
- B. Community Chiropractic Logo and Lettering (4 sides): Using the existing faces, replace the white acrylic letters with new 3/16" (T) white acrylic.*
- C. Electronic message centers (3 sides): Replace existing electronic displays with new ones of the same size manufactured by Cirrus Blade M 6mm Modules V2 AV MB 15051 H750.*
- D. Paint Display: Apply PPG DTM medium satin bronze paint to all four sides, top, and bottom of the display.*

The City finds that items A, B, and C are alterations/changes, while item D is normal maintenance and repair. As indicated in the Sign Regulations (Code), *excluding normal maintenance and repair, a noncomplying sign shall not be moved, altered, or enlarged unless it is brought into compliance with the Sign Regulations (Bountiful City Land Use Code Chapter 19)*. See explanations below regarding each requested item:

- 1. Illumination (4 sides): replace existing T-12 daylight fluorescent internal light fixtures and wiring with new Principal LED Quik Mod 2 custom replacement fixtures.*

The definition of ALTERATION (Sign) includes changing or rearranging any design of a sign, including lighting. Replacing the lighting from the existing T12 fluorescent lighting to LEDs is an alteration/change.

- 2. Community Chiropractic Logo and Lettering (4 sides): Using the existing faces, replace the white acrylic letters with new 3/16" (T) white acrylic.*

The definition of ALTERATION (Sign) includes changing or rearranging any design of a sign, including sign face or graphics. Replacing the routed copy backed with acrylic with a new updated logo is an alteration and change. This same definition includes an exception for reader board or changeable copy signs. The subject sign is not a changeable copy sign; therefore, the exception does not apply. See applicable definitions:

- **CHANGEABLE COPY SIGN:** *A sign with information or content which can be changed or rearranged by manual or electric, electro-mechanical, or electronic means. A sign, or portion thereof, on which the message changes more than one (1) time each twenty four (24) hours shall be considered an animated sign and not a changeable copy sign for purposes of this Code.*
- **READER BOARD SIGN** (see "CHANGEABLE COPY SIGN")
- **ANIMATED SIGN:** A sign which

- a. involves actual motion or rotation of any part of the sign itself by mechanical, electrical, or artificial means, or
 - b. is designed to be moved or is moved by the wind or other natural means, or
 - c. displays motion or the appearance of motion, animation, motion-picture type movement, movement of still images across a screen, flashing or intermittent lighting, color changes, copy changes, changing lighting intensity, or messages through a sequence of progressive changes in lighting; or
 - d. contains an electronic message center, reader board or panel.
3. *Electronic message centers (3 sides): Replace existing electronic displays with new ones of the same size manufactured by Cirrus Blade M 6mm Modules V2 AV MB 15051 H750.*

The definition of alteration (sign) includes changing or rearranging any design of a sign, including sign face, enclosure, lighting, coloring, copy, or graphics. Replacing the three (3) existing displays with three (3) new displays is an alteration/change.

4. *Paint Display: Apply PPG DTM medium satin bronze paint to all four sides, top, and bottom of the display.*

Painting the existing sign is normal maintenance and repair.

As indicated in the Sign Regulations, Land Use Code Chapter 19, excluding normal maintenance and repair, a noncomplying (nonconforming) sign shall not be moved, altered, or enlarged unless it is brought into compliance with the Sign Regulations. The Land Use Code clearly states that the City must apply firm regulation of existing nonconforming signs with a goal of their eventual elimination. Staff is not able to approve the sign permit regarding the illumination (item A), the logo and lettering (item B), and replacing the three (3) EMCs (item C) because these requested alterations/changes do not bring the Sign into compliance with the current Code.

Staff finds that painting the display dark satin bronze (item D) is not a sign alteration/change as defined in the Code, as long as the paint is used to maintain the Sign and not to change or rearrange the design of the sign, including sign face, coloring, or graphics, you may proceed without the need of a sign permit.

Based upon your requests identified items A, B, and C, consisting of alterations and changes to the existing sign, your sign permit is hereby denied.

Additional

Staff has observed that there are some sections within the north and east facing EMCs that are

currently not functioning. The south facing EMC does not seem to need repair. The north facing EMC has two (2) non-functioning areas while the east facing EMC has one (1) non-functioning area. If you would like to repair the currently broken / non-functioning / blacked out areas with the same equipment, not the entire panel or array, it would be deemed maintenance and repair, and not sign alteration/change.

Please note that if you choose to move forward with this alternative, it would require a sign permit based on the electronic component(s).

Staff has analyzed the visual components of the existing EMCs, and makes the following findings regarding Sign Regulations (Bountiful City Land Use Code § 14-19-121(C):

1. *An electronic message center shall only display static images or scrolling text.*
 - The EMC has videos and/or animations.
 - The EMC does not comply with this regulation.
2. *An electronic message center shall not display video images, or scintillating images.*
 - The EMC has videos and/or animations.
 - The EMC does not comply with this regulation.
3. *The minimum display duration shall be four (4) seconds.*
 - The EMC has videos and/or animations.
 - The videos and/or animation do not allow the minimum duration of 4 seconds.
 - The EMC does not comply with this regulation.
4. *The maximum image transition duration shall be three (3) seconds.*
 - No identified issues.
5. *A transition shall be from one image to another either by fading or dissolving to the next image, without the use of flashing, animation, or movement.*
 - The EMC has videos and/or animations.
 - The videos and/or animation do not allow the required transition.
 - The EMC does not comply with this regulation.
6. *No image shall be shown on, or with, a white background.*
 - The EMC had some images with a white background.
 - The EMC does not comply with this regulation.

The Bountiful City Land Use Codes defines a Video: *Simulated movement created by the display of a series of images, creating the illusion of continuous movement.* Based on the video and/or

animations the EMCs do not comply with the Code. In further review of the 2005 Sign Regulations (Code) below, when the sign was built, videos and /or animations were not allowed; therefore, they cannot be requested to be continued under the continuation of a nonconforming use / noncomplying structure:

14-19-108 PROHIBITED SIGNS

A. Prohibited Sign Devices. The following sign devices used to attract pedestrian or vehicular attention are prohibited in any zone in the City. Any sign not specifically allowed by this Chapter is also prohibited.

1. Hot or cold air balloons [...]
2. Any sign which flashes, blinks, uses chaser lights, etc., or moves in any way, animate or inanimate. Commercial signs may be approved with time/temperature or electronic message center capability, provided the message does not change more than 5 times per minutes and not less than 10 seconds between changes. Subtle lighting changed of low intensity are allowed.

[...]

(Underline added for emphasis)

Through this same letter, the City respectfully request that you cease placing videos and/or animations on the EMCs and observe all of the City's EMC visual regulations to ensure compliance with applicable Codes. Please note that as noted on Bountiful City Land Use Code § 14-1-111, any sign not expressly allowed by the Sign Regulations is prohibited. Each day of violation is a separate offense.

Let us know if you have any questions regarding this letter/notice.

Respectfully,



Francisco Astorga, AICP
Bountiful City Planning Director



June 20, 2024

RE: Community Chiropractic Sign Repair Appeal

To whom it may concern,

Community Chiropractic hereby appeals the June 6, 2024, “final decision” regarding Community Chiropractic’s application to provide necessary maintenance and repair their sign located at 395 N 200 W, Bountiful, UT 84010.

BACKGROUND

Community Chiropractic has been a local Bountiful business for over 30 years. On May 17, 2005, Community Chiropractic worked with the Bountiful City Planning Department and received approval to construct a sign that did not comply with the Bountiful City Land Use Code (“BCLUC”). This initial approval was given because the City did not want two separate signs on the corner of 400 North and 200 West. The compromise was made to allow Community Chiropractic to place one sign on the corner of the property, and allowed a larger sign in exchange for Community Chiropractic only placing one sign, instead of the two signs that was Community Chiropractic’s right to place.

After more than 15 years with no problems from the City, Community Chiropractic sought to repair and maintain their sign and on or about November 2021, Community Chiropractic submitted an application to perform such maintenance. The City denied the application and provided notice to Community Chiropractic that the sign did not comply with sign regulations. Community Chiropractic provided documentation showing that their sign was approved by the City in 2005. Curiously, the City claimed to not have any of those documents and has never provided any documents associated with the 2005 approval. Community Chiropractic appealed. After a significant delay, the ALJ denied Community Chiropractic’s appeal.

On or about October 2022, Community Chiropractic submitted a new and separate application to repair and maintain its sign. This October 2022 application was changed from the original plans to ensure that as a “noncomplying sign” that any repairs or maintenance would not “enlarge” or “alter” the size of the sign in any way. After months of back and forth between the City and Community Chiropractic, Community Chiropractic further amended the plans in the October 2022 application so that all requested maintenance would fall under the definition of “normal maintenance and repair.” After additional back and forth, the City issued a denial on June 6, 2024, which Community Chiropractic now appeals.

REASON FOR APPEAL

Appellants seek reversal of the city's denial for the following reasons:

1. Bountiful City's denial is arbitrary and capricious because it is not supported by substantial evidence in the record.
2. Bountiful City's decision is illegal and contrary to Utah law because it is based on an incorrect interpretation of a land use regulation and is contrary to Utah law.
3. Failure to allow Community Chiropractic to repair its sign constitutes a "constitutional taking" under Utah law.

ARGUMENT

I. Bountiful City's denial is arbitrary and capricious.

Utah law holds that a decision is "arbitrary and capricious" "if the land use decision is not supported by substantial evidence in the record." *U.C.A. § 10-9a-801(3)(c)(i)*. Additionally, "substantial evidence" is defined as evidence that is "beyond a scintilla; and a reasonable mind would accept as adequate to support a conclusion." *U.C.A. § 10-9a-103(70)*. Utah precedent explains that when interpreting city ordinances, "terms should be interpreted and applied according to their commonly accepted meaning unless the ordinary meaning of the term results in an application that is either 'unreasonably confused, inoperable, or in blatant contradiction of the express purpose of the [ordinance]'" *M & S Cox Investments, LLC v. Provo City Corp.*, 2007 UT App 315, ¶131. Along with the interpretation of a term, this court also explained that "[i]n determining whether substantial evidence supports the Board's decision we will consider all the evidence in the record, both favorable and contrary, and determine whether a reasonable mind could reach the same conclusion as the Board." *Id.* at ¶136.

In the current case, Bountiful City's denial of Community Chiropractic's application to repair and maintain its sign is arbitrary and capricious because Bountiful City's denial misinterprets the definition of "alteration" and "repair and maintenance" and fails to support its decision with "substantial evidence" because the City's evidence and findings would not lead a "reasonable mind" to reach the same conclusion.

A) Bountiful City's denial is not supported by substantial evidence.

Bountiful City's denial ("Denial") is *entirely* based on its own *subjective* determination that the requested repair and maintenance of Community Chiropractic's sign constitutes an "alteration" of the sign instead of "sign maintenance" under Bountiful City's Land Use Code ("BCLUC"). However, the City's denial does not provide sufficient explanation as to why the requested maintenance constitutes an "alteration" nor does the denial provide any evidence or explanation as to why the requested maintenance does not fall under the definition of "sign maintenance." These failures show that the City does not have "substantial evidence" to justify its denial.

The Denial begins by pointing out that Community Chiropractic's sign ("Sign") does not comply with existing BCLUC regulations. This is an undisputed fact and Community Chiropractic has provided evidence that their sign was approved by the City in 2005 and has been in continuous operation since its

construction. The City establishes this undisputed fact to demonstrate that the Sign is a “Nonconforming Sign” as defined by the BCLUC. The Denial then uses this fact as a basis for its interpretation of “alteration” vs. “sign maintenance” to determine that the requested maintenance is an “alteration” instead of “sign maintenance.”

On page 3 of the Denial, the City provides the BCLUC definition of “Regulation, containment, and elimination” of “Noncomplying signs.” This regulation states, “In order to minimize confusion and unfair competitive business disadvantage to those businesses which are required to satisfy the current Sign Code standards, the City intends to apply firm regulation of existing nonconforming signs with a goal of their eventual elimination. This goal shall be achieved by strictly construing limits on change, expansion, alteration, abandonment, and restoration. Excluding normal maintenance and repair, a noncomplying sign shall not be moved, altered, or enlarged unless it is brought into compliance with this Chapter.” *BCLUC 14-19-107.*

The City’s Denial is arbitrary and capricious for two main reasons. First, the City relies on BCLUC 14-19-107 for its basis in “strictly construing” the terms in its code, but the code is clear that this heightened scrutiny is employed to achieve the “goal” of “minimize[ing] confusion and unfair competitive disadvantage” to other businesses. The City’s Denial provides *no* evidence of any kind that Community Chiropractic’s sign has caused any confusion, or that it provides them an unfair competitive advantage. The City’s denial improperly imposes heightened scrutiny and unreasonable interpretations of the terms “alteration” and “sign maintenance” without providing any evidence that this is being done to achieve the stated goal of applying such unreasonable scrutiny. The City’s failure to provide any evidence on this issue renders its denial as arbitrary and capricious because they have not provided any (let alone substantial) evidence that its actions further the stated goal. This failure is fatal to the City’s Denial and merits reversal.

The second deficiency in the Denial is the City’s failure to provide substantial evidence for its determinations that the requested maintenance constitutes an “alteration” instead of “sign maintenance.

Bountiful City defines “Alteration (Sign)” as:

“Changing or rearranging any structural part of design of a sign, whether by extending on a side, by increasing in area or height, or in moving from one location or position to another, including sign face, enclosure, lighting, coloring, copy (except on reader board or changeable copy signs), or graphics.” *BCLUC 14-3-102(11).*

Bountiful City defines “Sign Maintenance” as:

“The maintenance of a sign in a safe, presentable, and good condition including the replacement of defective parts, repainting, cleaning, and other acts required for the care, good appearance, and safety of said sign. Sign maintenance does not imply that a sign may be altered in any way without a sign permit.” *BCLUC 14-3-102(279).*

The City's Denial provides no evidence or findings as to why the proposed maintenance is considered an "alteration" except for conclusory statements that it deems the maintenance as an "alteration." Further, the City provides *no* evidence or explanation as to why the proposed maintenance is not deemed "sign maintenance." This is fatal to the City's Denial and shows that under Utah law, the decision is arbitrary and capricious.

SPECIFIC MAINTENANCE AND DENIALS

Community Chiropractic submitted an original application in 2022, which included four items of maintenance. However, during discussions with the City over the next year and at the request of Bountiful City, Community Chiropractic provided an amended plan to appease the City. The amended plan changed the plan to come into conformance with the City's requests and code. This amended plan was provided on March 25, 2024. Notably, when the amended plan was submitted, it was specifically requested that the City provide an explanation as to how or why the amended plan did not constitute "sign maintenance." Despite this request, the City never responded and instead issued the June 6, 2024, Denial which addresses the original plan and not the amended plan.

A) Illumination (4 sides).

The original plan included "Replace existing T-12 daylight fluorescent internal light fixtures and wiring with new Principal LED Quik Mod 2 custom replacement fixtures."

The replacement of these fixtures changes absolutely nothing about the sign, its appearance, or design. It is more environmentally friendly, uses less energy, and is safer more modern technology. And constitutes the "replacement of defective parts" as contemplated by the definition of "sign maintenance." However, Community Chiropractic's amended plan relinquished this work in an attempt to appease the City. The updated plan only contemplates replacing the burned out existing light bulbs, for which there is no restriction on. Community Chiropractic maintains that replacing these old fixtures furthers the overall goals of Bountiful City's Land Use Code because it has a positive "impact upon the health, safety, and welfare, of community" as stated by BCLUC 14-19-118(C)(2), however, based upon the updated plan, this point is moot as if this remains denied, Community Chiropractic intends to replace only the light bulbs as part of ordinary sign maintenance.

B) Community Chiropractic Logo and Lettering (4 sides)

The original plan included "Using the existing faces, replace the white acrylic letters with new 3/16" (T) white acrylic."

The City's denial of this specific maintenance is the City's best argument that this constitutes an "alteration." This item of maintenance would rearrange the logo and lettering to make the sign more modern and "updated," and even though it would not increase or change the structure or size of the sign, it would arguably change the "design" of the sign. As such, the updated plan submitted by Community Chiropractic maintains that the existing logo and lettering will remain the exact same. The only request on this item of maintenance is for Community Chiropractic to replace the current defective acrylic that is cracked, broken, and weather worn, with acrylic letters that are not cracked or broken.

The current condition of the acrylic not only presents a potential safety issue, but also affects the aesthetics of the Sign and is overall unsightly to the community. The replacement of these letters (without any changing, or rearranging of the logo or letters) constitutes ordinary “sign maintenance,” rendering the denial moot.

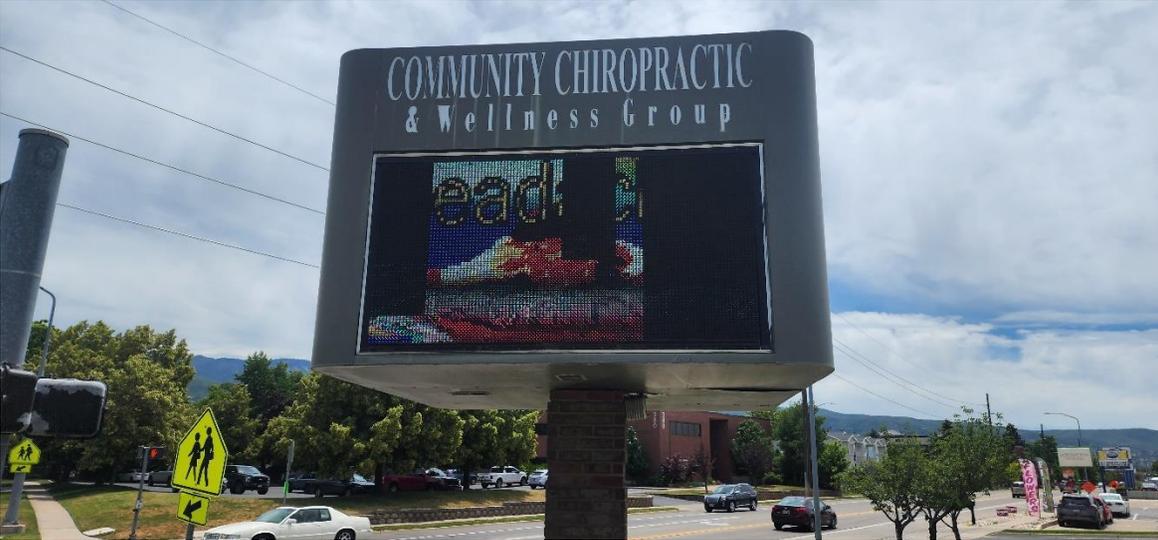


C) Electronic Message Centers (3 sides)

The original plan and amended plan include “Replace existing electronic displays with new ones of the same size manufactured by Cirrus Blade M 6mm Modules V2 AV MB 15051 H750”

The electronic displays on the Sign are broken and defective. As shown in the below pictures, several light panels on the electronic displays are not functioning.







The City's Denial states that "If you would like to repair the currently broken / non-functioning / blacked out areas with the same equipment, not the entire panel or array, it would be deemed maintenance and repair and not sign alteration/change." However, the City knows that the current displays are broken, defective, and obsolete, and that the parts are no longer manufactured or available for purchase. As such, Community Chiropractic has no ability to utilize the same light panels. For these reasons, Community Chiropractic seeks to replace the entire displays to make the sign more environmentally friendly, safe, and improve the aesthetics in the community.

The City's Denial of this maintenance item is arbitrary and capricious because it does not provide substantial evidence (or any evidence) that the proposed displays would cause "confusion" or "unfair competitive advantage" to Community Chiropractic, or that replacing the displays with newer displays constitutes an "alteration" and not the "replacement of defective parts" as contemplated under "sign maintenance." Finally, the City's Denial does not provide any evidence that replacing the displays "changes or rearranges" "any structural part or design," "extends on a side," "increases the area or height," or "moves from one location or position to another." *BCLUC 14-3-102(11)*.

To the contrary, the original plan and amended plan clearly explain that the replacement of these defective parts will not expand or enlarge the displays in any way. In other words, the only way that the replacement of these displays would change the appearance of the sign is that it would no longer have any "blacked out" or broken panels. The City's Denial does not address these issues or provide substantial evidence to support the City's determination that the replacement of these panels constitutes an alteration.

Utah law is clear that:

"Without sufficiently detailed findings that disclose the steps by which an administrative agency reaches its ultimate factual conclusions, this court cannot perform its duty of reviewing the order in accordance with established legal principles and of protecting the parties and the public from arbitrary and

capricious administrative action. On appeal, a court can perform its duty only if the [land use authority] has created findings revealing the evidence upon which it relies, the law upon which it relies, and its interpretation of the law.”

Northern Monticello Alliance LLC v. San Juan County, 2023 UT App 18, ¶139.

Additionally, Utah precedent holds that “[s]ubstantial evidence ‘is that quantum and quality of relevant evidence that is adequate to convince a reasonable mind to support a conclusion.’” *Kilgore Companies v. Utah County Board of Adjustment*, 2019 UT App 20, ¶124.

Bountiful City’s denial of this item of maintenance fails these requirements. The City provides no evidence or explanation regarding how it reached its conclusion that replacing the defective and obsolete displays constitutes an alteration, when, the proposed maintenance *does not alter or change* the size of the displays or the sign. The City also does not provide any evidence, explanation, or case law as to why this item of maintenance is not considered “replacement of defective parts... and other acts required for the care, good appearance, and safety of said sign” as provided in the definition of “Sign Maintenance” in the BCLUC.¹

The City’s Denial merely states that “The definition of alteration (sign) includes changing or rearranging any design of a sign, including sign face, enclosure, lighting, coloring, copy, or graphics. Replacing the three (3) existing displays with three (3) new displays is an alteration/change.”

The City’s failure to provide the required evidence or legal authority as to how it reached its conclusion is fatal to its denial and should be reversed.

II. Bountiful City’s interpretation of “alteration” and subsequent denial is “illegal” under Utah law.

Finally, Bountiful City’s denial to replace the electronic displays is “illegal” under Utah law because it is “based on an incorrect interpretation of a land use regulation” and “is contrary to law.” *U.C.A. §10-9a-801(3)(c)(ii)*.

The City’s bases its denial on an incorrect interpretation of the term “alteration.” Indeed, reading the City’s Denial, it can be concluded that *any* change of *any* sort could be considered an “alteration.” This is error and Bountiful provides no case law or authority to support its interpretation of “alteration.”

Several authorities exist that demonstrate that the City’s interpretation is incorrect. First, the Black’s Law Dictionary definition of “alteration” states, “A substantial change to real estate, esp. to a structure, usu. not involving an addition to or removal of the exterior dimensions of a building’s structural parts. Although any addition to or improvement of real estate is by its very nature an alteration, real-estate lawyers habitually use *alteration* in reference to a lesser change. Still, to constitute an alteration, the change must be substantial – not simply a trifling modification.” *Black’s Law Dictionary “Alteration”*.

¹ Curiously, the City’s Denial does not even mention or cite its own definition of “Sign Maintenance” anywhere in its Denial.

Additionally, the Utah Supreme Court considered the definition of “alteration” in *Weber County v. Ritchie*, in which changes to a road were considered an “alteration.” In its decision, the Supreme Court held that an “alteration” to the road included “its removal in part or in whole from one place to another—a change in its course.” The Court continued that “[w]idening it, or elevating or lowering it, is not such a change or alteration... within the contemplation of that expression.” *Weber County v. Ritchie*, 96 P.2d 744, 746, 98 Utah 272, (Utah 1939). In short, the road was not deemed to have been altered because, even though its grade, width, and elevation may have changed, “[t]he boundaries of the street have not changed as to general location or direction.” *Id.*

This legal precedent shows that the City’s conclusion that replacing the defective and obsolete displays is an incorrect interpretation because replacing the defective displays does not change the size, use, or anything else from the current sign’s displays. The City’s argument is tantamount to claiming that Community Chiropractic could not replace light bulbs in its sign unless it did so with light bulbs that were the *exact same* as the ones initially installed or that it couldn’t repaint its sign unless it used the exact same batch of paint. The proposed replacement of the displays does not constitute a “substantial change,” nor does it change the design, size, or appearance of the current defective and broken displays. The City’s failure to provide any authority that validates or supports its interpretation of either the definition of “alteration” or that the proposed replacement displays constitutes an “alteration” and not ordinary “sign maintenance” through the “replacement of defective parts... and other acts required for the care, good appearance, and safety of said sign” is fatal to its decision and renders it “illegal” under Utah law.

For these reasons, the City’s denial of this item of proposed maintenance should be reversed.

D) Paint Display

The City did not deny this item of maintenance and no further argument is necessary.

III. Bountiful City’s Denial is a “constitutional taking.”

Bountiful City’s failure to allow Community Chiropractic to repair and maintain its sign so that it is functioning and in good appearance constitutes a “constitutional taking” that Bountiful City will have to compensate Community Chiropractic for.

The City’s Denial puts Community Chiropractic of either choosing to tear down and rebuild their sign, or continue operating a sign that is not functional and unsightly. The unsightly appearance of the sign has caused negative backlash via google reviews and has affected Community Chiropractic’s business. As the sign continues to deteriorate, Community Chiropractic will be forced to completely shut down the electronic portions of the sign to avoid further harm to its business. The City made a deal with Community Chiropractic and now refused to honor its agreement and seeks to force Community Chiropractic to turn off or tear down their sign. This is a constitutional taking for which the City is required to compensate Community Chiropractic for preventing them from repairing their sign.

CONCLUSION

Bountiful City’s denial does not contain sufficient evidence to support the conclusions reached therein. Community Chiropractic has been trying to repair and maintain its sign to make it safer, more environmentally friendly, and improve the appearance of the sign which all fulfill the City’s stated goals. Despite these efforts, the City apparently would rather have an unsightly and unsafe sign than allow these repairs to go forward. The City provides no evidence that the proposed maintenance would cause “confusion” or an “unfair competitive advantage” which is the stated goal for its “strict enforcement” of the sign regulations. The City further does not provide substantial evidence that the proposed maintenance is in fact an “alteration” and not ordinary “sign maintenance.” The only way the City supports its conclusion is through a misinterpretation of the term “alteration” which does not comport with Utah precedent, or the legal definition of “alteration.”

For these reasons, the City’s Denial should be reversed and the proposed maintenance should be granted.

Dated this 20th day of June, 2024.



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CHAPTER 19

SIGN REGULATIONS

- 14-19-101 PURPOSE AND SCOPE**
- 14-19-102 APPLICABILITY AND EFFECT**
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- 14-19-112 SIGNS PERMITTED IN THE GENERAL COMMERCIAL (C-G) ZONE WITH A PERMIT**
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- 14-19-114 SIGNS PERMITTED IN THE NEIGHBORHOOD COMMERCIAL (C-N) ZONE WITH A PERMIT**
- 14-19-115 SIGNS PERMITTED IN THE DOWNTOWN (DN) ZONE WITH A PERMIT**
- 14-19-116 SIGNS PERMITTED IN ALL RESIDENTIAL ZONES**
- 14-19-117 TEMPORARY SIGNAGE**
- 14-19-118 SIGN PERMIT PROCESS**
- 14-19-119 SAFETY AND LOCATION STANDARDS FOR PERMANENT SIGNS**
- 14-19-120 MEASUREMENT OF REGULATED SIGN AREA**
- 14-19-121 ELECTRONIC MESSAGE CENTER STANDARDS**

14-19-101 PURPOSE AND SCOPE

- A. The type, location and design of signs can either enhance or degrade a community, and therefore the City has a compelling interest to regulate the time, place, and manner in which signs are erected. The purpose of this Sign Code is to:
 - 1. Encourage the effective and innovative use and design of signs as a means of communication.
 - 2. Maintain and enhance the aesthetic environment in order to attract sources of economic and business development and growth.
 - 3. Coordinate the type, placement, scale, compatibility, and aesthetics of signs within the different zones by recognizing the commercial communication requirements of the business community.
 - 4. Improve pedestrian and traffic safety through the prevention of visual obstructions and distractions.
 - 5. Minimize the possible adverse effect of signs on nearby public and private property.

6. Promote both renovation and proper maintenance of signs.
 7. Enable the fair and consistent enforcement of these sign regulations.
- B. This Code does not regulate official traffic or government signs; the copy and message of permitted signs; window signs and displays not intended to be viewed from a public right-of-way; religious symbols; commemorative plaques; display of street numbers; or any display or construction not defined as a sign.
- C. It is not the intent of this Code to regulate the content of political speech.

14-19-102 APPLICABILITY AND EFFECT

- A. A sign shall be erected, placed, established, painted, created or maintained in Bountiful City only in conformance with the standards, procedures, exemptions, and other requirements of this Chapter.
- B. The effect of this Chapter as more specifically set forth herein, is:
1. To establish a regulatory process addressing the time, place and manner in which signs are permitted.
 2. To provide standards for temporary signs.
 3. To prohibit all signs not expressly permitted by this Chapter.
 4. To provide for enforcement of the provisions of this Chapter.

14-19-103 DEFINITIONS

All definitions have been moved to Chapter 3

14-19-104 INTERPRETATION

When interpreting and applying the provisions of this chapter, the sign regulations contained herein are declared to be the maximum allowable for the purposes set forth.

14-19-105 ENFORCEMENT

- A. Any sign not expressly allowed by this Code is prohibited.
- B. The erection of a prohibited sign, or permitting the continued existence of a prohibited sign in violation of this Code, is a class C misdemeanor. Each day of violation is a separate offense.
- C. There are certain situations where a sign poses or may pose an immediate public safety hazard. The following signs shall be deemed unlawful and hazardous to the public safety, and are declared to be a public nuisance. Any employee of the City is authorized to immediately abate, remove, or otherwise remedy the following signs:

1. Any sign or related structure which interferes with the safe view of drivers entering a public right-of-way from any driveway or property.
 2. Any sign that extends over any pedestrian or vehicular travel area, unless specifically authorized by the City.
 3. Any sign which interferes with the use of any fire escape, exit, required stairway, door ventilator or window.
 4. Any sign which has less horizontal or vertical clearance from communication lines and/or energized electrical power lines than required by adopted safety standards, according to the provisions of City Code and the Bountiful Light and Power Department.
 5. Any sign that is located on or that encroaches upon publicly owned land, a public right-of-way, or a public easement, except signs owned and erected by permission of an authorized public agency or that are specifically authorized herein.
- D. Any sign placed in the public right-of-way without City approval is declared to be a public nuisance and may be summarily removed by any employee of the City.
- E. The Planning Director and any designated representatives shall be vested with the duty of enforcing this title, and in performance of such duty shall be empowered and directed to:
1. Issue a permit to construct, alter, or repair a sign which conforms to the provisions of this Chapter. The expiration date of such permit shall be one hundred eighty (180) days.
 2. Ascertain that a sign is constructed and maintained in conformance with the provisions of this Title, which includes the following actions:
 - a. Initial Inspection After Construction. The Planning Director or the Building Official may make an initial inspection upon the completion of construction, erection, re-erection, or remodeling of any sign for which a permit has been issued and an inspection request is made. This shall include the inspection of temporary signs using electrical connection.
 - b. Re-Inspection (when necessary). The Planning Director or an authorized representative may re-inspect any sign for which a permit was issued but which did not pass a previous inspection.
 3. Institute any appropriate action or proceeding where any sign is unlawfully erected, constructed, reconstructed, altered, repaired, converted, or maintained, or in any case where any sign is used in violation of this Title or any other City Code. Such actions include, but are not limited to, the following:
 - a. Issuance of Notices of Violations and Information. The Planning Director or authorized representative may issue a written notice of violation to the person having charge or control over, or that benefit from any sign found

to be unsafe or dangerous or in violation of this Chapter. Such official may swear to information against violators.

- b. Abatement and Removal of Unsafe or Dangerous Signs. If an unsafe or dangerous sign is not repaired or made safe within five (5) working days after giving said notice, the Planning Director may at once abate and remove said sign, or in the alternative, use all available legal means to have the sign removed. If the City or its agent removes the sign, the person having charge or control over, or that benefits from the sign shall pay to Bountiful City the costs incurred in such removal within 30 calendar days after written notice is provided.
 - c. Abatement and Removal of Unlawful Signs.
 - i. If a permanent sign is installed without a permit or is otherwise unlawful or prohibited as defined by this chapter, and is not made conforming within thirty (30) calendar days after written notice has been given, the Planning Director may at once abate and remove said sign, or in the alternative, use all available legal means to have the sign removed, including but not limited to criminal or civil court action with the appropriate court. The person responsible for and/or property owner allowing any such unlawful posting shall be liable for the cost incurred in the removal thereof and the City is authorized to effect the collection of said cost from them.
 - ii. If a temporary sign posted upon private property has been installed without a permit or is otherwise unlawful as defined by this Title, it shall be removed or made conforming within seventy two (72) hours of written notice of the violation. If it has not been made conforming within seventy two (72) hours, either through removal of the temporary sign or by obtaining a temporary sign permit, the Planning Director may at once abate and remove said temporary sign, or in the alternative, use all available legal means to have the sign removed, including but not limited to criminal or civil court action with the appropriate court. The person responsible for and/or property owner allowing any such unlawful posting shall be liable for the cost incurred in the removal thereof and the City is authorized to effect the collection of said cost from them.
 - iii. Any sign that the City removes for encroachment into a public right-of-way or easement, or that is located on public property without the City's permission shall be held for a maximum period of fourteen (14) days before being destroyed. In no case shall the failure to remove a sign constitute an approval by the City of the unlawful placement of the sign.
 - d. Legal Action. Initiate legal action through the City Attorney's Office.
4. Abate and Remove Non-Maintained or Abandoned Sign or Sign Identifying a Discontinued Use. The Planning Director may require that each non-maintained

or abandoned sign, or sign identifying a discontinued use be removed from the building or premises within forty-five (45) calendar days after providing written notice to the owner or persons benefiting from the sign.

14-19-106 RIGHT OF APPEAL

Any person who has been ordered to alter or remove any permanent sign, or any person whose application for a sign permit has been denied because of a conflict with any regulation stated herein, may appeal the decision as set forth in section 14-2-106 of this Title.

14-19-107 NONCOMPLYING SIGNS

- A. Regulation, containment, and elimination. In order to minimize confusion and unfair competitive disadvantage to those businesses which are required to satisfy the current Sign Code standards, the City intends to apply firm regulation of existing nonconforming signs with a goal of their eventual elimination. This goal shall be achieved by strictly construing limits on change, expansion, alteration, abandonment, and restoration. Excluding normal maintenance and repair, a noncomplying sign shall not be moved, altered, or enlarged unless it is brought into compliance with this Chapter. The following exceptions shall be permitted:
1. A face change in a noncomplying sign that does not encroach onto a public right-of-way or easement, and that is not deemed a public safety hazard by the Planning Director or City Engineer.
 2. A copy change in a noncomplying permanent sign which was originally approved by the City with a changeable copy feature.
- B. Abandonment. Within forty-five (45) calendar days after vacation of an existing business, a noncomplying sign shall be removed unless the property owner informs the City in writing of his intention to re-use the sign. The property owner shall be allowed one (1) year to establish a new use on the site. If the property owner does not take action within fourteen (14) days of written notice of violation, or if the signs are not re-used within the one (1) year period, the City may abate the signs and recover any and all costs. An abandoned sign shall not regain any legal noncomplying status later, even if the original business reoccupies the property.

14-19-108 PROHIBITED SIGNS

- A. Prohibited Sign Devices. Any sign not specifically allowed by this Chapter is prohibited. In addition, the following sign devices are prohibited anywhere in the City, unless specifically permitted herein:
1. A hot or cold air balloon, or inflatable, with the following exceptions:
 - a. Temporary signs, as allowed by this Title,
 - b. As part of a grand opening period, not to exceed thirty (30) days.

2. Animated signs are prohibited throughout the City, except in the Heavy Commercial (C-H) Subzone where they are allowed subject to the restrictions set forth in Section 14-19-113.
3. Any statuary bearing the likeness or suggestion of any product or logo.
4. Any roof sign.
5. Any snipe sign.
6. Any temporary sign except as allowed in this Title.
7. Any bus bench sign.
8. Any truck, trailer, or other vehicle, conspicuously, or regularly parked on-premises or off-premises with an advertising message or logo displayed to attract attention to a business, product or promotion. The Planning Director or representative may require a business to remove such truck, trailer, or other vehicle if in his opinion the vehicle is being utilized for advertising purposes.
9. Any Graffiti.
10. Any beacon or spotlight directed into the night sky except as part of an approved promotional period as a temporary sign.
11. Any off-premises sign (includes billboards), off-premises directional sign, or off-premises development sign, except as allowed herein.

B. Hand-bills, signs on public places and objects.

1. No person shall place or maintain any hand-bill, sign, or other depiction in or upon any City owned real or personal property.
2. Any hand-bill, sign, or other depiction found posted upon any public property contrary to the provisions of this section is hereby declared to be a public nuisance and may be summarily removed by the City. The person responsible for any such unlawful posting shall be liable for the cost incurred in the removal thereof and the City is authorized to recover said cost by any legal means.
3. Nothing in this section shall apply to the installation of a sign for which the City has granted a written permit.

- C. Unsafe Signs.** No sign shall be permitted which is for any reason a threat to public safety in the reasonable opinion of the City Engineer, or which by its location impairs the view of a driver traveling on, exiting from, or entering upon, a public street, or which is otherwise unsafe for vehicular or pedestrian traffic. Any such sign is hereby declared to be a public nuisance and may be summarily removed by the City.

14-19-109 SIGNS ALLOWED IN ALL ZONES WITHOUT A PERMIT

The following signs are allowed in any zone, except on public property, without a sign permit:

- A. One (1) on-premises directional sign whose sole purpose is to provide direction or instruction, and which does not exceed five (5) square feet in area or four (4) feet in height.
- B. The flag of any nation or political subdivision. No flag shall exceed thirty two (32) square feet in size. Not more than one (1) flag of each entity shall be flown at a time. Large flags flown in high wind may be deemed a noise and/or public safety nuisance and are subject to removal.
- C. Any regulatory sign.
- D. Any sign of twelve (12) square feet or less located in a residential single-family zone, located in accordance with the provisions of the particular zone.
- E. Any sign of twenty-four (24) square feet or less located in a residential multi-family zone, located in accordance with the provisions of the particular zone.
- F. Any holiday decoration that does not bear any commercial logo or message shall not be considered a sign.
- G. An approved sign with changeable copy area shall not require a permit to change the copy area.
- H. A political sign may be posted on any private property at any time, in accordance with provisions of this section and the temporary sign provisions of this Title.

14-19-110 FLAGS AND FLAGPOLES

1. Flags greater than 32 square feet in size, and flagpoles greater than 50 feet in height, are prohibited in all zones except as provided in this section.
2. In Commercial-General (C-G) and Commercial-Heavy (C-H) zones only, and on municipal property in all zones, flags more than 32 square feet and up to 1800 square feet in size, and flagpoles more than 50 feet and up to 120 feet in height, may be granted as a conditional use.
 - a. A conditional use permit under subsection (b) may be granted if the following conditions are met:
 - i. The property or business where it is located must be three acres or greater in size;
 - ii. The property or business where it is located must have a minimum total street frontage of at least five hundred (500) feet; and
 - iii. A second flagpole cannot be located within one thousand feet (1,000) feet of an existing flagpole.
 - b. Every conditional use permit granted hereunder is subject to the following regulations:

- i. only be the flag of the United States shall be flown except that a second flag up to 375 square feet in size may be flown on the same pole, subordinate to the American Flag;
 - ii. the flag must be maintained in good condition or it cannot be flown;
 - iii. in the event of a high wind the City Engineer may, in the reasonable exercise of discretion, order that the flag be taken down immediately until the wind subsides;
 - iv. the flagpole is subject to the abandoned Sign Code of Title 14;
 - v. The second flag authorized herein shall not be flown without the flag of the United States. The second flag shall be only the Utah state flag or an on-premise business identification flag. If the American flag is flown at half staff the second flag shall not be flown.
 - vi. There may only be one flagpole per property or business;
 - vii. Lighting shall be restricted as much as possible and shall not create a light problem for traffic, other businesses, or residents;
 - viii. The flagpole shall be maintained in such a manner that it does not create an unreasonable noise from the flag, chain, rope or other mechanisms or parts.
3. Additional conditions may be imposed to mitigate any adverse affects relating to the viewscape, noise, location upon the property, lighting, traffic, visibility and other issues related to the flag and flagpole.
 4. A sign permit and a building permit are required for any such flagpole.

14-19-111 SIGNS PERMITTED IN PROFESSIONAL OFFICE (P-O) AND HOSPITAL (H) ZONES

- A. The following sign types are permitted in Professional Office (P-O) and Hospital (H) Zones with a permit:
 1. Signs allowed. Each lot or parcel shall be allowed a permit for one (1) monument sign per street frontage, and any wall and accessory signs as permitted.
 2. Monument Sign. A lot or parcel with less than one hundred (100) linear feet of frontage shall be allowed one (1) monument sign of up to thirty-two (32) square feet with a maximum height of four (4) feet. A lot or parcel with one hundred (100) linear feet of frontage or greater shall be allowed one monument sign of up to sixty-four (64) square feet with a maximum height of six (6) feet, or two (2) monument signs of up to thirty-two (32) square feet each with a maximum height of four (4) feet. Such sign shall be located at least five (5) feet from any property line, in an area of landscaping equal or greater than the area of the sign, and on a landscaped berm not to exceed two (2) feet in height as measured at the adjacent sidewalk or top back of curb.

3. Freestanding or Pole Sign. A pole sign or other free-standing sign shall be expressly prohibited.
4. Wall signs in the Professional Office (PO) Zone. Sign area of up to ten percent (10%) of the primary façade with a maximum of sixty-four (64) square feet, with secondary signs allowed on two (2) additional faces not to exceed five percent (5%) of that wall surface with a maximum of thirty-two (32) square feet. No sign shall extend above the roof line of the building. Sign permit required.

Wall signs in the Hospital (H) Zone. Sign area of up to ten percent (10%) of the primary façade, with secondary signs allowed on two (2) additional faces not to exceed five percent (5%) of that wall surface. No sign shall extend above the roof line of the building. Sign permit required.
5. Canopy or awning signs. Sign copy, including logo, shall not exceed twelve (12) square feet or fifty percent (50%) of awning face area whichever is less. No flashing or intermittent illumination permitted. Awning signs shall be considered wall signs for area calculation and location purposes.
6. Changeable copy signs. Any changeable copy sign is expressly prohibited except on parcels of ground three (3) acres or larger within the Hospital (H) zone. Where permitted, one (1) changeable copy sign, not to exceed thirty-two (32) square feet, shall be allowed along each frontage of one hundred (100) linear feet or greater.
7. On-Premises Development Identification Signs. Each lot or parcel of commercial or industrial property shall have not more than one (1) sign per public or private street frontage identifying future site development. The sign shall not be erected before the proposed development has been submitted for site plan review and must be removed before final inspection or before permanent signs are installed. The sign shall not exceed fifteen (15) feet in height, and the maximum size shall be determined by the lot or parcel size as follows:

Less than Two (2) acres: Sixty four (64) square feet.

Two (2) acres or larger: One hundred twenty eight (128) square feet.

B. Other Approvals.

1. Any site plan application for a new multi-tenant center or building shall include a proposal for all on-premises signs.
2. In cases with parcels of land of five (5) acres or larger, and with frontage of three hundred (300) feet or more, a proposal for the overall design and placement of all on-premises signs shall be submitted. Such signs may vary from the regulations set forth herein and shall be considered as a conditional use for existing projects, or as a condition of site plan approval for new projects. This provision does not grant the applicant any expectation of approval of any sign that differs from the requirements of this Title; rather it allows the City the ability to approve signing schemes appropriate to the scale and impact of a project. The approving body must determine that the proposed sign exceptions are not in conflict with the purpose and intent of this Chapter, are in harmony with the general plan and

surrounding development, and are appropriate to the scale and impact of the project.

14-19-112 SIGNS PERMITTED IN THE GENERAL COMMERCIAL (C-G) ZONE

- A. The following sign types are allowed in the General Commercial (C-G) Zones with a permit:
1. Each parcel of property shall be allowed either monument signs or one (1) freestanding (pole) sign on each street frontage, and any wall and accessory signs as permitted.
 2. Monument Sign. Monument signs shall meet the following requirements:
 - a. A lot or parcel with less than one hundred (100) linear feet of frontage shall be allowed one (1) monument sign of up to thirty-two (32) square feet with a maximum height of four (4) feet.
 - b. A lot or parcel with one hundred (100) linear feet of frontage or greater shall be allowed one (1) monument sign of up to sixty-four (64) square feet with a maximum height of six (6) feet, or two (2) monument signs of up to thirty-two (32) square feet each with a maximum height of four (4) feet.
 - c. Such sign shall be located at least five (5) feet from any property line, in an area of landscaping equal to or greater than the area of the sign, and on a landscaped berm not to exceed two (2) feet in height as measured at the adjacent sidewalk or top back of curb.
 3. Freestanding or Pole Signs. Freestanding or pole signs shall meet the following requirements:
 - a. Minimum one hundred (100) linear feet of street frontage for pole signs.
 - b. Maximum height of fifteen (15) feet.
 - c. Minimum ground clearance of eight (8) feet from street grade to bottom of sign.
 - d. Minimum setback of five (5) feet from any public right-of-way or any property line.
 - e. Maximum pole width of two (2) feet.
 - f. Minimum setback of ten (10) feet from any residential use or zone.
 - g. Signs shall be engineered to withstand one hundred (100) mph wind loads.

- h. Sign structure, excluding pole and base, shall not exceed sixty four (64) sq. ft. for each side of a double faced sign, or sixty four (64) sq ft total sign area on multi-faced signs.
4. Wall signs. Wall signs shall meet the following requirements:
 - a. Maximum sign area of twenty percent (20%) of the primary facade of the building. Secondary signs allowed on three (3) additional facades not to exceed five percent (5%) of those facades.
 - b. No sign, nor part of any sign, shall extend more than two (2) feet above the highest point of a flat roof or mansard roof.
 - c. Corner parcels may have a maximum of twenty percent (20%) sign area on both facades facing a public street.
 5. Canopy or awning signs. Canopy or awning signs shall meet the following requirements:
 - a. Sign copy, including logo, not to exceed twelve (12) square feet or fifty percent (50%) of awning face area whichever is less.
 - b. No flashing or intermittent illumination permitted.
 - c. Awning signs are considered wall signs for area calculation and location purposes.
 6. Projecting signs. Projecting signs shall meet the following requirements:
 - a. Project not more than two (2) feet from the face of a wall and shall not project over any public right of way.
 - b. Mounted no higher than fifteen (15) feet above the finished grade and allow no less than ten (10) feet of clearance between the bottom of the sign and the finished grade.
 - c. The area of the sign shall be included in the total square footage allowed for flat and wall signs on the side of the building on which it is mounted.
 7. Changeable copy signs. Changeable copy signs shall meet the following requirements:
 - a. Manual changeable copy signs are allowed but are limited to not more than fifty percent (50%) of any sign area.
 - b. Electronic reader boards and panels are prohibited.
 8. Window Signs. Window signs shall meet the following requirements:
 - a. Window signs which are intended to be visible from the public right-of-way and are painted on or temporarily affixed to the window surface shall

cover no more than twenty five (25%) of the entire surface area of a group of windows and,

- b. Shall not be affixed as to block clear view of exits or entrances or to create a safety hazard.
 - c. This applies also to inside illuminated signs (e.g., neon, etc.) which are within 18 inches of the window surface. No sign permit required. All window signs will be counted as part of the total allowed sign area for wall signs.
10. Gas Stations Signs. Signs for canopies over gas islands are allowed and shall meet the following requirements:
- a. Sign copy shall be a maximum of thirty (30%) of the face of the canopy.
 - b. The height to the top of the canopy fascia shall not exceed twenty (20) feet from grade, and no canopy fascia shall exceed four (4) feet in height.
 - c. Individual letters, logos, or symbols shall not exceed four (4) feet in height or project out from the fascia or wall more than six (6) inches.
11. Menu Boards. Menu boards shall meet the following requirements:
- a. For drive-in restaurants, they shall be reviewed and approved by the Planning Department. The following shall apply although the Planning Commission may approve them at different locations depending upon circumstances:
 - b. Only two (2) menu boards are allowed per site and must be located outside of the front landscaped setback area.
 - c. Maximum area shall not exceed sixty-four (64) square feet per sign and eight (8) feet in height.
12. On-Premises Development Identification Signs. On-premises development identification signs shall meet the following requirements:
- a. Each lot or parcel of commercial or industrial property shall have no more than one (1) sign per public or private street frontage identifying future site development.
 - b. The sign shall not be erected before the proposed development has been submitted for site plan review.
 - c. The sign shall be removed before final inspection or before permanent signs are installed.
 - d. The sign shall not exceed fifteen (15) feet in height, and the maximum size shall be determined by the lot or parcel size as follows:

Less than two (2) acres: Sixty four (64) square feet

Two (2) acres or larger: One hundred twenty eight (128) square feet

B. Other Approvals.

1. All new multi-tenant centers/ buildings must submit a proposal for all on-premises signs to the Planning Commission for design and placement approval.
2. In cases with parcels of land of five (5) acres or larger, and with frontage of three hundred (300) feet or more, a proposal for the overall design and placement of all on-premises signs shall be submitted. Such signs may vary from the regulations set forth herein and shall be considered as a conditional use for existing projects, or as a condition of site plan approval for new projects. This provision does not grant the applicant any expectation of approval of any sign that differs from the requirements of this Title; rather it allows the City the ability to approve signing schemes appropriate to the scale and impact of a project. The approving body must determine that the proposed sign exceptions are not in conflict with the purpose and intent of this Chapter, are in harmony with the general plan and surrounding development, and are appropriate to the scale and impact of the project.

14-19-113 SIGNS PERMITTED IN THE HEAVY COMMERCIAL (C-H) ZONE

A. The following sign types are allowed in the Heavy Commercial (C-H) Zones with a permit:

1. Each parcel of property shall be allowed either monument signs or one (1) freestanding (pole) sign on each street frontage, and any wall and accessory signs as permitted.
2. Monument Sign. Monument signs shall meet the following requirements:
 - a. A lot or parcel with less than one hundred (100) linear feet of frontage shall be allowed one (1) monument sign of up to thirty-two (32) square feet with a maximum height of four (4) feet.
 - b. A lot or parcel with one hundred (100) linear feet of frontage or greater shall be allowed one (1) monument sign of up to sixty-four (64) square feet with a maximum height of six (6) feet, or two (2) monument signs of up to thirty-two (32) square feet each with a maximum height of four (4) feet.
 - c. Such sign shall be located at least five (5) feet from any property line, in an area of landscaping equal to or greater than the area of the sign, and on a landscaped berm not to exceed two (2) feet in height as measured at the adjacent sidewalk or top back of curb.

3. Freestanding or Pole Signs. Freestanding or pole signs shall meet the following requirements:
- a. A lot or parcel with at least one hundred (100) linear feet of frontage shall be allowed one (1) freestanding sign of up to Sixty (60) square feet for the first one hundred (100) feet of lineal street frontage plus one (1) square foot for each lineal foot of frontage over one hundred (100), to a maximum of one hundred twenty (120) square feet total.
 - b. Double faced signs shall be allowed the maximum area on each side.
 - c. Multi-faced signs shall be allowed only a combined sign face total equal to the maximum area allowed.
 - d. Maximum height of thirty (30) feet.
 - e. Minimum ground clearance of seven (7) feet from sign grade to bottom of sign.
 - f. Maximum pole width of two (2) feet.
 - g. Minimum setback of five (5) feet from any public right-of-way and/or street property line.
 - h. Minimum setback of ten (10) feet from any residential use or zone.
 - i. Signs shall be engineered to the standards of the adopted version of the International Building Code.
 - 1) Freestanding Freeway-Oriented Signs. A freestanding sign located immediately adjacent to the I-15 corridor or Frontage Road shall meet all the criteria of this section except that it shall not exceed forty (40) feet in height nor have a pole and/or pole cover that exceed four (4) feet in width.
4. Wall signs. Wall signs shall meet the following requirements:
- a. Maximum sign area of twenty percent (20%) of the facade of the building facing the main public street with secondary signs allowed on two (2) additional faces not to exceed five percent (5%) of that wall surface.
 - b. No sign, nor part of any sign, shall extend more than two (2) feet above the highest point of a flat roof or mansard roof. Corner parcels may have a maximum of twenty percent (20%) sign area on both facades facing a public street.
5. Canopy or awning signs. Canopy or awning signs shall meet the following requirements:
- a. Sign copy, including logo, not to exceed twelve (12) square feet or fifty percent (50%) of awning face area whichever is less.

- b. No flashing or intermittent illumination permitted.
 - c. Awning signs are considered wall signs for area calculation and location purposes.
6. Projecting signs. Projecting signs shall meet the following requirements:
- a. Project not more than two (2) feet from the face of a wall and shall not project over a public right-of-way.
 - b. Be mounted no higher than fifteen (15) feet above the finished grade and allow no less than ten (10) feet of clearance between the bottom of the sign and the finished grade.
 - c. Be included in the total square footage allowed for flat and wall signs on the side of the building on which it is mounted as measured under Section 14-19-117 of this Chapter.
7. Changeable copy signs. Manual changeable copy signs shall meet the following requirements:
- a. Manual changeable copy signs shall be limited to fifty (50%) of the total sign area.
 - b. Electronic changeable copy signs shall be limited to fifty (50%) or thirty-two (32) square feet of the total sign area, whichever is less.
 - c. Electronic changeable copy signs located on properties immediately abutting the I-15 corridor or frontage road shall be limited to fifty (50%) or sixty four (64) square feet of the total sign area, whichever is less, and that the sign shall be reduced in brightness by fifty percent (50%) between the hours of eleven (11) p.m. and six (6) a.m.
8. Window Signs. Window signs shall meet the following requirements:
- a. Window signs which are intended to be visible from the public right-of-way and are painted on or temporarily affixed to the window surface shall cover no more than twenty five percent (25%) of the entire surface area of a group of windows.
 - b. Shall not be affixed as to block clear view of exits or entrances or to create a safety hazard.
 - c. This applies also to inside illuminated signs (e.g., neon, etc.) which are within eighteen (18) inches of the window surface. No sign permit required.
 - d. All window signs will be counted as part of the total allowed sign area for wall signs.

9. Gas Stations Signs. Signs for canopies over gas islands are allowed as follows:
- a. Sign copy shall be a maximum of thirty percent (30%) of the face of the canopy.
 - b. The height to the top of the canopy fascia shall not exceed twenty (20) feet from grade, and no canopy fascia shall exceed four (4) feet in height.
 - c. Individual letters, logos, or symbols shall not exceed four (4) feet in height or project out from the fascia or wall more than six (6) inches.
10. Menu Boards. Menu boards for drive-in restaurants shall be reviewed and approved by the Planning Department at site plan review. The following shall apply although the Planning Commission may approve them at different locations depending upon circumstances:
- a. Only two (2) menu boards are allowed per site and shall be located outside of the front landscaped setback area.
 - b. Maximum area shall not exceed sixty-four (64) square feet per sign and eight (8) feet in height.
11. On-Premises Development Identification Signs. On-premises development identification signs shall meet the following requirements:
- a. Each lot or parcel of commercial or industrial property shall have not more than one (1) sign per public or private street frontage identifying future site development.
 - b. The sign shall not be erected before the proposed development has been submitted for site plan review and must be removed before final inspection or before permanent signs are installed.
 - c. The sign shall not exceed fifteen (15) feet in height, and
 - d. The maximum size shall be determined by the lot or parcel size as follows:

Less than two (2) acres: Sixty four (64) square feet.
Two (2) acres or larger: One hundred twenty eight (128) square feet.
12. Animated Sign. The only type of animated sign permitted is an electronic reader board or panel, subject to the height, area, and other restrictions of this Chapter.

B. Other Approvals.

1. All new multi-tenant centers/ buildings shall submit a proposal for all on-premises signs to the Planning Commission for design and placement approval.

2. In cases with parcels of land of five (5) acres or larger, and with frontage of three hundred (300) feet or more, a proposal for the overall design and placement of all on-premises signs shall be submitted. Such signs may vary from the regulations set forth herein and shall be considered as a conditional use for existing projects, or as a condition of site plan approval for new projects. This provision does not grant the applicant any expectation of approval of any sign that differs from the requirements of this Title; rather it allows the City the ability to approve signing schemes appropriate to the scale and impact of a project. The approving body must determine that the proposed sign exceptions are not in conflict with the purpose and intent of this Chapter, are in harmony with the general plan and surrounding development, and are appropriate to the scale and impact of the project.

14-19-114 SIGNS PERMITTED IN THE NEIGHBORHOOD COMMERCIAL (C-N) ZONE

- A. The following sign types are allowed in the Neighborhood Commercial (C-N) Zones with a permit:
 1. Each parcel of property shall be limited to monument signs and any wall and accessory signs as permitted.
 2. Monument Sign. Monument signs shall meet the following requirements:
 - a. A lot or parcel with less than one hundred (100) linear feet of frontage shall be allowed one (1) monument sign of up to thirty-two (32) square feet with a maximum height of four (4) feet.
 - b. A lot or parcel with one hundred (100) linear feet of frontage or greater shall be allowed one monument sign of up to sixty-four (64) square feet with a maximum height of six (6) feet, or two (2) monument signs of up to thirty-two (32) square feet each with a maximum height of four (4) feet.
 - c. Such sign shall be located at least five (5) feet from any property line, in an area of landscaping equal or greater than the area of the sign, and on a landscaped berm not to exceed two (2) feet in height as measured at the adjacent sidewalk or top back of curb.
 3. Wall signs. Wall signs shall meet the following requirements:
 - a. Maximum sign area of fifteen (15%) of the primary facade of the building.
 - b. A corner property may have signs on the facade facing the secondary street, with a maximum sign area of five (5%) of that facade.
 - c. No portion of the sign shall extend more than two (2) feet above the highest point of a flat roof or mansard roof.
 4. Canopy or awning signs. Canopy or awning signs shall meet the following requirements:

- a. Sign copy, including logo, not to exceed twelve (12) square feet or fifty percent (50%) of awning face area whichever is less.
 - b. No flashing or intermittent illumination permitted.
 - c. Awning signs are considered wall signs for area calculation and location purposes.
5. Projecting signs. Projecting signs shall meet the following requirements:
- a. Project not more than Two (2) feet from the face of a wall and shall not project over any public right-of-way.
 - b. Mounted no higher than fifteen (15) feet above the finished grade and allow no less than ten (10) feet of clearance between the bottom of the sign and the finished grade.
 - c. The area of the sign shall be included in the total square footage allowed for flat and wall signs on the side of the building on which it is mounted.
6. Changeable copy signs. Changeable copy or electric message center signs are not permitted.
7. Window Signs. Window signs shall meet the following requirements:
- a. Signs which are intended to be visible from the public right-of-way and are painted on or temporarily affixed to the window surface shall cover no more than twenty five percent (25%) of the entire surface area of a group of windows
 - b. Shall not be affixed as to block clear view of exits or entrances or to create a safety hazard.
 - c. Neon and other illuminated signs are not permitted in windows.
8. Gas Stations Signs. Signs for canopies over gas islands are allowed as follows:
- a. Sign copy shall be a maximum of thirty percent (30%) of the face of the canopy.
 - b. The height to the top of the canopy fascia shall not exceed twenty (20) feet from grade, and no canopy fascia shall exceed four (4) feet in height.
 - c. Individual letters, logos, or symbols shall not exceed four (4) feet in height or project out from the fascia or wall more than six (6) inches.
9. Menu Boards. Menu boards for drive-up windows are to be reviewed and approved by the Planning Department. The following shall apply:
- a. Only two (2) menu boards are allowed per site and shall be located behind the front landscaped setback area.

- b. Maximum area shall not exceed sixty-four (64) square feet per sign and eight (8) feet in height.
10. On-Premises Development Identification Signs. On-premises development identification signs shall meet the following requirements:
- a. Each lot or parcel of commercial or industrial property shall not have more than one (1) sign per public or private street frontage identifying future site development.
 - b. The sign shall not be erected before the proposed development has been submitted for site plan review and must be removed before final inspection or before permanent signs are installed.
 - c. The sign shall not exceed fifteen (15) feet in height, and the maximum size shall be determined by the lot or parcel size as follows:

Less than two (2) acres: Sixty four (64) square feet.

Two (2) acres or larger: One hundred twenty eight (128) square feet.

14-19-115 SIGNS PERMITTED IN THE DOWNTOWN (DN) ZONE

- A. The following sign types are allowed in the Downtown (DN) Zones with a permit:
- 1. Each parcel of property shall be allowed monument signs and any wall and accessory signs as permitted.
 - 2. Monument Sign. Monument signs shall meet the following requirements:
 - a. A lot or parcel with less than one hundred (100) linear feet of frontage shall be allowed one (1) monument sign of up to thirty-two (32) square feet with a maximum height of four (4) feet.
 - b. A lot or parcel with one hundred (100) linear feet of frontage or greater shall be allowed one monument sign of up to sixty-four (64) square feet with a maximum height of six (6) feet, or two (2) monument signs of up to thirty-two (32) square feet each with a maximum height of four (4) feet.
 - c. Such sign shall be located at least five (5) feet from any property line, in an area of landscaping equal or greater than the area of the sign, and on a landscaped berm not to exceed two (2) feet in height as measured at the adjacent sidewalk or top back of curb.
 - 3. Block Directory Signs.
 - a. The City may erect, or permit to be erected, a sign or sign structure at each corner of Main Street within the Downtown Zone that indicates the businesses located within the physical block on which the sign is located.

- b. The design, size, and location of these signs shall be determined by the Planning Commission.
 - c. The City Council, or its agent, may charge a fee to recover only the cost of installing, maintaining, and updating the signs.
4. Wall signs. Wall signs shall meet the following requirements:
- a. Maximum sign area of twenty percent (20%) of the primary facade of the building with secondary signs allowed on two (2) additional facades not to exceed five percent (5%) of those facades.
 - b. No sign, nor part of any sign, shall extend more than two (2) feet above the highest point of a flat roof or mansard roof. Corner parcels may have a maximum of twenty percent (20%) sign area on both facades facing a public street.
5. Canopy or awning signs. Canopy or awning signs shall meet the following requirements:
- a. Sign copy, including logo, not to exceed fifty percent (50%) of the awning face area.
 - b. No flashing or intermittent illumination permitted.
 - c. Awning signs are considered wall signs for area calculation and location purposes.
 - d. Properties fronting on Main Street may have an awning and/or awning sign that projects up to six (6) feet over the Main Street right-of-way, as long as all of the following are met:
 - i. The awning is at least five (5) feet horizontally from the improved edge of any vehicle traffic lane or parking stall.
 - ii. There is a minimum clearance of at least seven (7) feet between the sidewalk and any part of the awning.
6. Projecting signs on Main Street. Properties fronting on Main Street may have awnings and/or awning signs that project up to six (6) feet over the Main Street right-of-way, as long as all of the following are met:
- a. Any part of the sign is at least five (5) feet horizontally from the improved edge of any vehicle traffic lane or parking stall
 - b. There is a minimum vertical clearance of at least ten (10) feet between the sidewalk and any part of the sign.
 - c. The awnings are maintained in a safe manner. Any awning that is deemed unsafe by the City Engineer is declared to be a public nuisance and may be summarily removed.

7. Projecting signs not on Main Street. Projecting signs not along Main Street shall be allowed and shall meet the following requirements:
 - a. Project not more than four (4) feet from the face of a wall and shall not project over any public right of way.
 - b. Mounted no higher than fifteen (15) feet above the finished grade and allow no less than ten (10) feet of clearance between the bottom of the sign and the finished grade.
 - c. The area of the sign shall be included in the total square footage allowed for flat and wall signs on the side of the building on which it is mounted.
8. Changeable copy signs. Manual changeable copy signs are allowed but are limited to not more than fifty percent (50%) of any sign area. Electronic reader boards and panels are prohibited.
9. Window Signs. Window signs shall meet the following requirements:
 - a. Window signs which are intended to be visible from the public right-of-way and are painted on or temporarily affixed to the window surface shall cover no more than twenty five percent (25%) of the entire surface area of a group of windows.
 - b. Shall not be affixed as to block clear view of exits or entrances or to create a safety hazard.
 - c. This applies also to inside illuminated signs (e.g., neon, etc.) which are within eighteen (18) inches of the window surface.
 - d. No sign permit required.
 - e. All window signs will be counted as part of the total allowed sign area for wall signs.
10. Gas Stations Signs. Signs for canopies over gas islands are allowed as follows:
 - a. Sign copy, corporate logos, etc. shall be a maximum of ten percent (10%) of one (1) face of the canopy.
 - b. The height to the top of the canopy fascia shall not exceed twenty (20) feet from grade, and no canopy fascia shall exceed four (4) feet in height.
 - c. Individual letters, logos, or symbols shall not exceed four (4) feet in height or project out from the fascia or wall more than six (6) inches.
11. Menu Boards. Menu boards for drive-up windows are to be reviewed and approved by the Planning Department. The following shall apply:

- a. Only two (2) menu boards are allowed per site and must be located behind the front landscaped setback area.
 - b. Maximum area shall not exceed sixty-four (64) square feet per sign and eight (8) feet in height.
12. On-Premises Development Identification Signs. Each lot or parcel of commercial or industrial property shall have not more than one (1) sign per public or private street frontage identifying future site development. The sign shall not be erected before the proposed development has been submitted for site plan review and must be removed before final inspection or before permanent signs are installed. The sign shall not exceed fifteen (15) feet in height, and the maximum size shall be determined by the lot or parcel size as follows:
- Less than two (2) acres: Sixty four (64) square feet.
Two (2) acres or larger: One hundred twenty eight (128) square feet.

B. Other Approvals.

1. All new multi-tenant centers/buildings shall submit a proposal for all on-premises signs to the Planning Commission for design and placement approval.
2. In cases with parcels of land of three (3) acres or larger, and with frontage of two hundred (200) feet or more, a proposal for the overall design and placement of all on-premises signs shall be submitted. Such signs may vary from the regulations set forth herein and shall be considered as a conditional use for existing projects, or as a condition of site plan approval for new projects. This provision does not grant the applicant any expectation of approval of any sign that differs from the requirements of this Title; rather it allows the City the ability to approve signing schemes appropriate to the scale and impact of a project. The approving body must determine that the proposed sign exceptions are not in conflict with the purpose and intent of this Chapter, are in harmony with the general plan and surrounding development, and are appropriate to the scale and impact of the project.

14-19-116 SIGNS PERMITTED IN ALL RESIDENTIAL ZONES

Allowable Signs. The following signs are permitted in Residential Zones. Home occupation signs shall be in conformance with the standards set forth in section 14-17-105 Home Occupation Requirements.

- A. Temporary Sign: One temporary sign not to exceed twelve (12) square feet.
- B. Identification Signs for Institutional Uses such as Public Buildings, Private Schools and Churches: One monument or one wall mounted identification sign will be allowed for public buildings, private schools and churches. Monument identification signs shall not exceed 40 square feet in area and shall not exceed 6 feet in height including a maximum 3 foot high base (not included in the sign area). Monument signs shall be placed a minimum of 5 feet from all property lines on a landscaped berm not to exceed two (2) feet in height as measured at the adjacent sidewalk or top back of curb and shall not be located in a vision clearance area as defined in this Title. There shall be at least 2

square feet of landscaped area for each square foot of sign area. Wall mounted signs shall not exceed 24 square feet and shall not be located higher than the eave of the building.

- C. Parks and Publicly Owned Golf Courses: May have signs as approved by the Bountiful City Council.

14-19-117 TEMPORARY SIGNAGE

- A. **PURPOSE.** Permanent signs permitted by this Chapter are intended to allow adequate and reasonable location of signs for local businesses. However, the City realizes that from time to time it is necessary for a business to advertise special events and other commercial messages. To help businesses address this issue, the following regulations have been established for temporary banners and signs.
- B. Any temporary sign shall be subject to the following:
1. A temporary sign shall be located on-premises only, except for an A-Frame sign which may be located in a parkstrip immediately in front of the premises in accordance with the provisions of this Title.
 2. A temporary sign shall not be located within five (5) feet of any public sidewalk or any public right-of-way, except for an A-Frame sign which may be located in a parkstrip immediately in front of the premises in accordance with the provisions of this Title.
 3. A temporary sign shall not shall not be illuminated, flash, blink, spin, rotate, block traffic visibility of vehicles entering onto a public street or cause a public nuisance of any kind.
 4. A temporary sign shall not be located closer than twenty-five (25) feet to any residential zone or use.
 5. A temporary sign shall not be located within a clear-view area as set forth in this Title.
 6. For any single or two tenant property, the following shall apply:
 - a. Any tenant with less than ten thousand (10,000) sq. ft. of building area shall not display more than one (1) temporary sign at any time. The maximum area of any temporary sign shall be thirty-two (32) sq. ft.
 - b. Any tenant with greater than ten thousand (10,000) sq. ft. of building area shall not display more than two (2) temporary signs at any time. The maximum combined area of the two (2) signs shall be forty-eight (48) sq. ft.
 - c. Where a property abuts two (2) streets, one (1) additional sign, oriented to the other abutting street, shall be permitted.

7. For any multi-tenant property, the following shall apply:
 - a. Any business with less than ten thousand (10,000) sq ft of building area shall not display more than one temporary sign at any time. The maximum area of any sign shall be twenty-four (24) sq ft. However, in no instance shall there be displayed more than three (3) temporary signs per one hundred (100) linear feet of frontage.
8. A temporary sign shall be a banner, wall sign, A-Frame sign, or a pedestal type sign. No other type of sign is permitted.
9. The following items are not lawful temporary signs: a portable reader board, any type of electric sign, a sign attached to another sign or sign structure, a balloon, a streamer, an inflatable device, and/or a vehicle or trailer with any graphics or advertisements.
10. A temporary sign shall be substantially constructed and adequately weighted, anchored, or attached to the ground to protect the public and property.
11. No permit shall be required for a temporary A-Frame sign that is removed at the end of each business day.
12. An A-Frame sign shall be designed, constructed, and installed such that it will lay flat if it is contacted by any object.
13. Any temporary sign, other than an A-Frame sign, shall be posted not more than one (1) time each business quarter, for a maximum of thirty (30) concurrent days.
14. No temporary sign shall be taller than six (6) feet in height.
15. Zones
16. Permit required.

14-19-118 SIGN PERMIT PROCESS

- A. No person shall erect, install, or paint any sign, or change the face of any sign, whether it be temporary or permanent in nature, without obtaining a sign permit from the Planning Department except as outlined in this Code. This includes new signs, signs to be added to existing buildings or uses, and existing signs that are to be enlarged, changed, or otherwise altered.
- B. Any sign shall be constructed of low maintenance, weather resistant materials.
- C. The approval for a sign or sign application shall be based on the following criteria and standards:
 1. Conformance to the provisions of this Chapter and all other ordinances and standards of the City.
 2. The impact upon the health, safety, and welfare, of community.

3. The effect of the sign upon ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways.
 4. Compatibility with surrounding structures and signs.
 5. Concealment of all mechanical equipment, appurtenances, and utilities, from view. Electrical boxes, wires, or switches, and other related devices shall be an integral part to the sign design.
 6. The location of the sign upon the premises.
 7. The location of existing signs, if any, upon the premises, or in the immediate area.
- D. The Planning Department, Administrative Committee, Planning Commission or City Council shall have the function, duty, and power to approve, disapprove, or approve a sign permit with conditions, as dictated by this Title.
- E. A sign permit shall be reviewed and approved as follows:
1. New Developments. Preliminary plans for signs in new developments must first be approved by the Planning Commission during the site plan approval process. A sign permit shall be issued only after it is determined that the proposed sign complies with the approved sign plan and with the provisions of this Chapter.
 2. Existing Developments. Issuance of any sign permit for an existing development or where ownership of a legal existing business changes and necessitates a new sign, the permit may be approved by the Planning Department provided that the sign meets the requirements of this Chapter.
- F. An application for a sign permit shall be filed with the Planning Department on a form provided. It shall include:
1. All required fees.
 2. Clear and complete graphics and written information adequate to show compliance with all applicable requirements of this Chapter.
- G. The Planning Director or his designee shall review any permit application submittal for compliance. If any part of the submittal requires review and/or approval by any land use authority other than the Planning Director, the applicant shall submit the plans to that body and receive its approval prior to the issuance of a sign permit. Any permit which meets the requirements and criteria of this Title shall be approved. A permit which does not meet the requirements and criteria of this Title shall be returned to the applicant.
- H. The decision of the Planning Director may be appealed as set forth in Section 14-2-106 of this Title.
- I. At least two (2) copies of the following specific information shall be provided in writing for the sign types indicated:

1. Monument and Freestanding or Pole Signs.

- a. A site plan showing the location of any and all signs, including existing and proposed. The site plan shall include:
 - i. The location of any buildings on the property and within fifty (50) feet on adjacent properties,
 - ii. Property lines and dimensions,
 - iii. The required setback from property lines, public-rights of-way, intersections, easements, and driveways,
 - iv. Any required landscaping.
- b. An accurately dimensioned, scaled drawing showing height, color, square foot dimensions, landscaping, sign composition, type of illumination and how the sign will appear from the street.
- c. Details of sign construction including an electrical plan and foundation scheme. If the sign constitutes a structure or otherwise falls under the jurisdiction of the International Building Code, then the foundation plan shall be stamped and signed by a Licensed Utah Professional Engineer.

2. Wall Signs.

- a. A scaled drawing showing square foot dimensions of the building and the sign, the sign composition and the type of illumination (if applicable).
- b. A profile drawing of how the sign will appear from the street/parking area and on the building.
- c. Details of sign construction and attachment, including an electrical plan (if applicable).

3. Temporary signs requiring permits.

- a. A site plan showing the location of any and all signs, including existing and proposed. The site plan shall include:
 - i. The location of any buildings on the property and within fifty (50) feet on adjacent properties,
 - ii. Property lines and dimensions,
 - iii. The required setback from property lines, public rights-of-way, intersections, easements and driveways,
 - iv. Any required landscaping.

b. Length of period for display and the type of request.

J. **ADDITIONAL INFORMATION REQUIRED.** The following additional information shall be required with all sign permit applications:

1. A current Bountiful City business license or a completed business license application, where applicable.
2. Business address and phone number.
3. Property owner address of and phone number.
4. General and/or electrical contractor's license number.
5. Value of the sign.

14-19-119 SAFETY AND LOCATION STANDARDS FOR PERMANENT SIGNS

- A. Any sign erected in Bountiful City shall comply with the provisions of the current National Electrical Code, International Building Code, the Bountiful City Code and this Code effective at the time the permit is issued.
- B. Any permanent sign shall be engineered to demonstrate conformance with the applicable provisions of the current International Building Code and, where required by this Code or by the Chief Building Official, shall be accompanied by a drawing stamped by a structural engineer licensed by the State of Utah attesting to the adequacy of the proposed construction of the sign and any supporting device.
- C. No sign, fixture, or device involving electrical wiring or connections shall be erected or installed in Bountiful City except by a licensed and bonded contractor.
- D. All permanent signs must be built of durable and permanent materials.
- E. Permanent power sources for signs must be concealed underground or within a structure and away from public view and immediate access.
- F. No sign or other advertising structure shall be erected which in any manner may be confused with a public necessity sign, official traffic sign or signal, or which bears words normally used in such signs, i.e., stop, go slow, caution, danger, warning, turn here, turn, etc.
- G. No sign or any advertising structure shall be erected which by reason of its size, location, shape, content, coloring, or manner of illumination might be confused as a traffic control device.
- H. No sign shall have lighting which impairs the vision of anyone traveling upon a public right-of-way or distracts any driver or pedestrian so as to create a public nuisance.
- I. No sign, except for a regulatory sign, shall be located within a clear-view area, as set forth in section 14-16-108 of this Title.

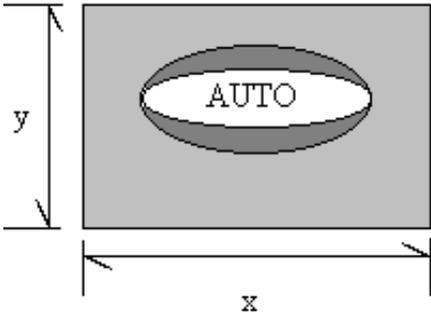
- J. There are certain situations where a sign poses or may pose an immediate public safety hazard. The following signs are deemed unlawful and hazardous to the public safety, and any employee of the City is authorized to immediately abate, remove or otherwise remedy them:
1. Any sign or related structure which interferes with the safe view of drivers entering a public right-of-way from any driveway or property.
 2. Any sign that extends over any pedestrian or vehicular access area, unless specifically authorized by the City.
 3. Any sign which interferes with the use of any fire escape, exit, required stairway, door ventilator, or window.
 4. Any sign which has less horizontal or vertical clearance from communication lines and/or energized electrical power lines, according to the provisions of this Title and the standards of the Bountiful Light and Power Department.
 5. Any sign that is located on publicly owned land, inside street rights-of-way, or on public easements, except signs owned and erected by an authorized public agency or that are specifically authorized herein.
- K. Every sign shall be maintained and kept in good repair, including without limitation, the repair of glass, plastic, or other sign face material which is missing, broken, damaged, or deteriorated and the repair of any pole, frame, support or similar structure which is broken, damaged, or deteriorated.
- L. Every sign shall be maintained as originally approved in its sign permit. This applies to all components of the sign including the sign copy, except:
1. Portions of changeable copy on approved signs.
 2. Changes of copy area only on legally conforming signs. All non-complying signs, and any change to the cabinet, pole, structure, or any other sign element requires a sign permit.
- M. The maintenance, renovation, or repair of a sign may require a building permit under the current International Building Code.
- N. Whenever the use of any sign, as determined by the discontinuance of the permitted use for which the sign was used, or the use of the sign frame or sign supporting structure has been discontinued for a period of 45 consecutive days, such sign, sign frame, or sign supporting structure shall be removed immediately.
- O. All free-standing or monument signs installed in Bountiful City must be incorporated into a landscape design or planter box. Exceptions to this rule must be approved by the Planning Commission.
- P. All on-premises freestanding signs shall have the structural supports covered or concealed with pole covers (pylon covers). The actual structural supports shall not be exposed for the safety and welfare of any person near the said sign.

- Q. All permanent signs shall be permanently mounted on foundations and footings which conform to the International Building Code.
- R. The light from the illumination of any sign shall be carefully directed so that the light is not obtrusive or a nuisance to traffic or adjacent properties; particularly in residential neighborhoods.
- S. All buildings shall be identified with a numbered or lettered street address in addition to optional business identification. The letters or numbers shall be at least four (4) inches in height as required by the Fire Marshall.
- T. Any internally illuminated pole or wall sign, including any electronic reader board or panel, shall be installed with an automatic shutoff timer.

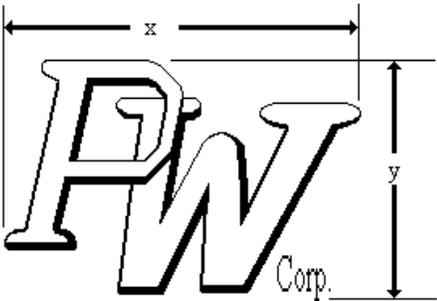
14-19-120 MEASUREMENT OF REGULATED SIGN AREA

A. Flat or Wall Signs

- 1. Sign copy mounted or painted on a background panel or area distinctively painted, textured, or constructed as background for the sign copy shall be measured as that area contained within the outside dimensions of the background panel or surface.



- 2. Sign area for copy mounted as individual letters and/or graphics against a wall or fascia of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy shall be measured as the area enclosed by the smallest single rectangle that will enclose all sign copy.

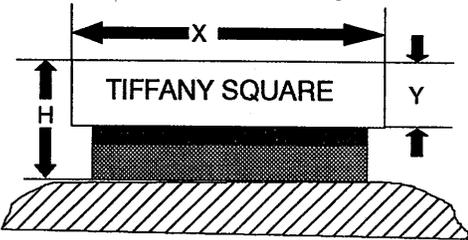


- 3. For sign copy mounted or painted on an illuminated sign or architectural element of a building, the entire illuminated surface or illuminated architectural element which contains sign copy shall be counted as sign area.



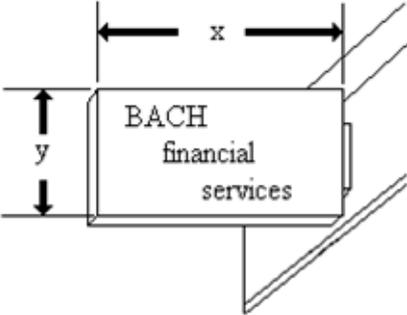
B. Monument Signs.

- 1. The regulated area of a monument sign shall include all parts of the sign or structure that contains identification (words or symbols) and information.
- 2. The height of a ground sign shall be the distance from the highest point of the sign to the height of the street or sidewalk.

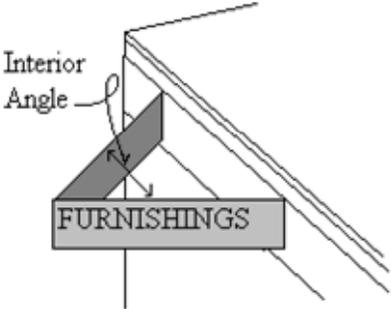


C. Multiple Face Signs. (including but not limited to freestanding or monument signs):

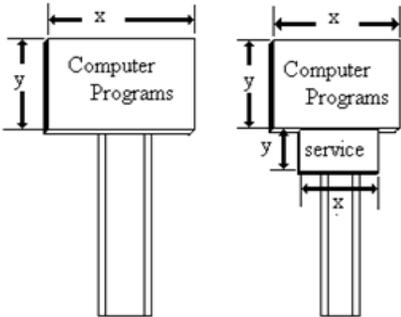
- 1. Single Panel. Measure the area of the single face only.



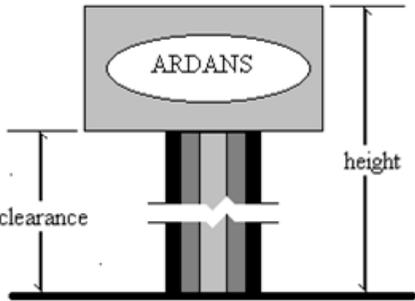
- 2. Double Panel. If the interior angle between the top two (2) faces is thirty (30) degrees or less, the area to be measured will be the area of one face only. If the angle between the two sign faces is greater than thirty (30) degrees, the sign area to be measured will be the sum of the areas of the two (2) faces.



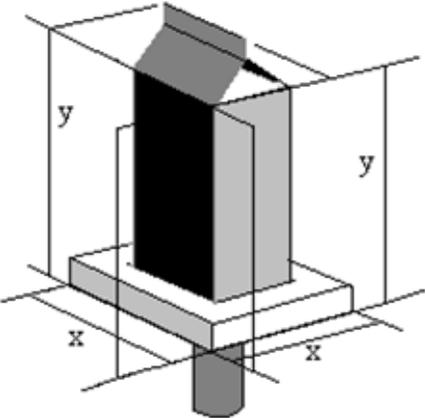
D. The regulated area of freestanding signs shall include all parts of the sign or structure that contains identification (words or symbols) and information.



1. The height of a freestanding sign shall be the vertical distance measured from the highest point of the sign to the grade of the adjacent street, curb, or sidewalk, or the crown of the street when there is no curb or sidewalk.



2. For spherical, freeform, sculptural, or other non-planer signs, the sign area shall be the sum of the areas of the four vertical sides of the smallest polyhedron that will encompass the sign structure.



14-19-121 ELECTRONIC MESSAGE CENTER STANDARDS

- A. An electronic message center is not allowed in any zone except as set forth in this Chapter.
- B. An electronic message center in any zone shall meet the following criteria:
 - 1. An electronic message center shall not exceed thirty-two (32) square feet.
 - 2. An electronic message center is prohibited if it exceeds more than 50% of the total sign area.
 - 3. An electronic message center shall only be constructed as part of a permitted freestanding (pole), wall or monument sign.
 - 4. An electronic message center shall be located only on a single or double-sided planer sign, and not on a multiple face or other non-planer sign.
 - 5. An electronic message center shall not be constructed in a location that interferes with a regulatory device, as determined by the City Engineer.
 - 6. An electronic message center shall be equipped with a sensor or other device that automatically determines the ambient illumination and must be programmed to automatically dim according to ambient light conditions.
 - 7. Where allowed as a conditional use, conditions may be imposed by the planning commission regarding hours of sign operation, sign height, sign size and/or setbacks from property lines to mitigate impacts on nearby residential properties, to protect critical viewsheds as established in the General Plan, or to prevent potential traffic hazards.
 - 8. An electronic message center shall only be constructed in a location and in a manner permitted by this Title.
- C. An electronic message center in any zone, with the exception of an electronic message center located on Hwy 89, shall be operated at all times in accordance with the following:
 - 1. An electronic message center shall only display static images or scrolling text.
 - 2. An electronic message center shall not display video images, or scintillating images.
 - 3. The minimum display duration shall be four (4) seconds.
 - 4. The maximum image transition duration shall be three (3) seconds.
 - 5. A transition shall be from one image to another either by fading or dissolving to the next image, without the use of flashing, animation, or movement.
 - 6. No image shall be shown on, or with, a white background.

- 7. The illuminance of an electronic message center shall not increase ambient lighting conditions by more than 0.3 footcandles when measured perpendicular to the electronic message center face at a distance set forth below:

Area of Sign (sq ft.)	Measurement Distance (In ft.)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67
50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100

- 8. An electronic message center shall not exceed 7,000 nits during daylight hours.
- 9. An electronic message center shall not exceed 18,000 nits during evening and nighttime hours.

D. An electronic message center is allowed only on a commercial property in the following locations within the Heavy Commercial (CH), General Commercial (CG), Mixed-Use (MXD), and Downtown (DN) zoning designations:

Table 14-19-121 D. Electronic Message Center Location, Style, and Approval Process

P = Permitted Use C = Conditional Use X = Not Allowed

Zone	Location	Pole	Monument	Wall
CH, CG	Hwy 89	P	P	P
CG, DN	500 South Street – West of 100 East St.	C	P	C
CH, CG, DN	400 North St. – West of Main St.	C	C	C
CH, CG	2600 South – West of 500 West St.	C	P	C
CG, MXD	Orchard Drive	X	C	X

- E. An electronic message center shall not be located on any property that does not directly front on a street or public right-of-way set forth in section D above.

- F. An electronic message center shall only be oriented toward a street or public right-of-way set forth in Section D, above, and in no other direction.
- G. An electronic message center, and any sign containing an electronic message center, shall be constructed or modified without a permit, unless specifically exempted by this title.
- H. A temporary sign of any kind is not allowed on any parcel or lot with an electronic message center.
- I. If otherwise permitted under §14-19-121, and subject to such conditions that may be established in the conditional use permit process, pole signs legally existing in the Downtown (DN) zone on November 30, 2011, may incorporate an electronic message center, if the entire sign and supporting structure are brought into compliance with the standards for a pole sign within the General Commercial (CG) zone.